ARIANNA HUFFINGTON DEFENDS DEMOCRACY, K.I. BILLINGSLEY'S ON PROP. 187, RON K. UNZ UNEARTHS THE GOLDWATER PAPERS

CALIFORNIA ★ POLITICAL
REVIEW
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Baby Please Don't Go

FACING A TOUGH RE-ELECTION BID AND LOOKING FORWARD TO 1996, PETE WILSON SEEKS TO WOO CONSERVATIVES BACK INTO THE FOLD. SHOULD THEY GO?

ROGER HEDGECOCK, HUGH HEWITT, DAVID HOROWITZ, MANUEL S. KLAUSNER, HOWARD KLEIN, JOHN KURZWEIL, BEN MOREHEAD, ROBERT NAYLOR, SHAWN STEEL, & JOSEPH FARAH ANSWER

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CALIFORNIA PUBLIC POLICY FOUNDATION

JOHN KURZWEIL
EDITOR & PUBLISHER

JAN EDWARDS
MANAGING EDITOR

WILLIAM R. ALLEN · *ECONOMICS CORRESPONDENT*
ANNE MCFADDEN · *CALIFORNIA CHRONICLES*
TIM W. FERGUSON · *THE WORKING PRESS*
MARK S. PULLIUM · *LEGAL ISSUES CORRESPONDENT*
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CORRESPONDENCE

APPLAUDING TOM

Editor:

Tom McClintock is an inspiration to fiscal conservatives everywhere, and his latest piece ("The Wreck of the California," *CPR*, Summer 1994) shows that the campaign for state controller hasn't slowed him down any. At Inside California we have been virtually alone in screaming about the bond rating for over a year. How much lower does it need to go before our Republican governor and benighted state treasurer do something about it? I wonder what Tom Hayes is thinking. (I tried to find out but he didn't get back to me.)

A propos Jim Christie's fine piece on the Swett Awards and Tim Ferguson's questions about Kathleen Brown and Alice Huffman ("Teacher (Union) Pets" and "How About Covering Kathleen Brown's Inner Circle," CPR, Summer 1994), I recommend a report I wrote for the Claremont Institute called *The Shadow Legislature*. It details the history of CTA's cozy relationship with our state representatives and uncovers how education policy is really made in Sacramento (shedding some light along the way on such stealth entities as the CTA Republican Caucus — supplier of most of those "Clinton Republicans" in 1992 — and the CTA Governmental Relations Division). I make this prediction: when CTA officials see it they will all say the same thing ... no Swett.

Mike Antonucci
Carmichael, CA

DEBATING FREE SPEECH

Editor:

Mark Pulliam and John Howard did a good job of arguing the pros and cons of applying free speech laws to the private workplace ("Should Judges Enforce Freedom of Speech at Work?" CPR, Summer 1994). In 1991, my father, a Democratic state representative here in Colorado, proposed a similar law. Some pro-business legislators objected, and so the bill was amended to apply only to government employees. As amended, the bill passed the House of Representatives unanimously, with strong support from the ACLU, the National Rifle Association (which was concerned about pro-gun police officers who had been disciplined for expressing their beliefs), and from the public employee unions.

But over in the Senate, the bill was killed in committee after a show of force by the Colorado Association of School Boards, which didn't like the idea of teachers being able to sue school districts who violated their free speech rights. Apparently it's all right for teachers to tell their students that constitutional rights exist, as long as the teachers don't do anything radical like actually exercising those rights.

David B. Kopel, research director
Independence Institute
Golden, Colorado

THANKS FOR THE GUST

Editor:

Thank you for mentioning *The Weather Vane* in the Spring CPR Update ("California Chronicles," 1994). It yielded a number of inquiries, several subscribers, and one advertiser.

Rex Grady
Petaluma

Congratulations — and thanks for your kind words. The Weather Vane *provides much-needed information and an excellent example for the rest of the state. Continue your good work.*

Editor

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COMMENTARY

Stanford Howls with Glee

Evidently Stanford University wants to challenge the city of San Francisco to a game of who-can-spend-the-fastest-and-most. As reported in CPR's Summer 1994 *Update*, San Francisco recently shelled out tens of thousands of dollars to festoon a new county jail with such "art" as a pair of computerized skylights that follow the sun and tinted windows to make the jail look like a floating fogbank. Now we learn that Stanford happily plunked down $1.2 million for a "treasure trove" of correspondence, photos, films, and other memorabilia — totally some 300,000 items — from the estate of "Beat"-era poet Allen Ginsberg. "Stanford officials could barely contain a howl of glee," the *San Francisco Chronicle* reported.

"The vast and eccentric collection includes the tennis shoes the unpredictable poet wore when he was thrown out of Czechoslovakia in 1965 by the Communist government, clippings from his beard, and even dried plant vines from South America."

Stanford certainly has every right to decide for itself how it spends its money (though perhaps some alumni might have standing to comment), and Ginsberg indisputably does represent a prominent element in American cultural history.

Still, it seems somehow disproportionate when Stanford libraries' director of collections Tony Angiletta is quoted as saying "we have bought this archive largely because Allen Ginsberg is one of the most important figures in postwar, culture, literature, and politics." Isn't this the place that turned down the offer to house the Ronald Reagan Presidential Library?

The pathetic state of the official Stanford Mind is evident upon considering that any suggestion that Reagan is at least as important a figure as Ginsberg would be met with belly laughs from the majority of those running the place.

'Conservative Judicial Activism'

In a display of mind-numbing liberal arrogance that strains the limits of credulity, attorney David Link, in an op-ed piece in September 29's Los Angeles Times, attempts to condemn, as advocates of "conservative judicial activism," Christian landlords who don't wish to be forced to rent apartments to unmarried couples. The amazing Mr. Link manages in one short column to betray a pristine ignorance of religion, economics, property rights, the First Amendment, anti-discrimination statutes, legal practice in general, and the issue of judicial activism in particular.

In the case that's so upset Mr. Link (who, incidentally, represented the losing side involved), a California Appellate Court agreed that the First Amendment's guarantee of religious freedom means the state may not force Christians to participate in an activity they consider sinful just because they are in the business of renting apartments.

The phrase: "exercise of religion," according to Mr. Link, can properly be applied only to "religious ritual, ceremony or practice" — not to activity in "the commercial marketplace." The court, he argues, by considering First Amendment issues in a "marketplace" context, "mocks the notion that there is a secular world anywhere and turns civil law into little more than an option for religious believers."

Employing Link's reasoning, Jews would have to obey a law that required the serving and eating of pork in all restaurants. A law requiring theaters to show pornographic films could not be challenged by Christian theater owners on religious freedom grounds. Of course, we already know that neither the religious nor the associational freedom provisions of the First Amendment, in the opinion of lawyers like Mr. Link, protect the Boy Scouts from being forced to enroll homosexuals and atheists as members or troop leaders.

Mr. Link's problem is that he knows nothing of religion, the essence of which is that believers believe it is the truth. He sneeringly refers to "subjective beliefs" as though they had no basis in reality and were, therefore, a matter of little importance. But the First Amendment covers speech, religion, the right to assemble, and to petition the government all in the same article — the Bill of Rights' first article — because the worst thing government can do is trample on our right to think for ourselves, to choose freely between right and wrong, and then to act on our choices. In a sense, the whole basis of American government is the premise that what Mr. Link dismisses as "subjective belief" is the most important realm of human activity and freedom, and that therefore it must, above all other freedoms, be kept inviolate.

Of course, Mr. Link is disingenuous, not just in pretending that he is bothered by "judicial activism.," but in the implication that religious belief is a matter of little concern to him, so long as it confines itself to its proper place in church. Actually, his point is precisely to attack religious freedom and freedom of conscience. Supplanting religious authority with human power, residing in the state, is the unifying objective of a long list of left endeavors including, but by no means limited to:

- political correctness on campus,
- so-called "gay rights" laws and all manner of other "civil rights" legislation regulating how and with whom we all may do business,
- recently revealed oppressive policies at the Department of Housing and Urban Developing, which first force homeless shelters into neighborhoods against the will of the residents and then punish through lawsuits those citizens who protest them.

The target in each case is the individual human mind. They know as well as our nation's founders did that religious and intellectual freedom and the right to act in accordance with our exercise of it form the bases of every human right. That's why the founders ranked protection of these rights ahead of all others; it's also why men like David Link seek to undermine them and why they must not be allowed to prevail.

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THE LAW

Be Prepared

BY MARK S. PULLIAM

Like Whittaker Chambers, writing in *Witness*, I sometimes feel I have chosen the losing side in a revolutionary conflict. Chambers referred to the struggle between freedom and communism, and fortunately his pessimism (circa 1952) was misplaced. I am referring to the war now being waged on our culture, and I hope that my gloomy prognosis is similarly mistaken. Nowhere is the rout more apparent than in our legal system.

Let's begin with the law schools which not only train lawyers, but, more importantly, create legal scholarship. Law school journals, known as law reviews, significantly influence judges and legislators. Judging from their contents, one principal focus of "constitutional theory" these days is finding in the Constitution a "right" to engage in homosexual sodomy. (I'm not making this up.)

Inventive law school professors seeking tenure try to outdo one another attacking the U.S. Supreme Court's 1986 *Bowers v. Hardwick* decision (478 U.S. 186), which refused to recognize such a right.

Many law school faculties, and certainly those at the most prestigious schools, are dominated by adherents of the Marxist-derived "critical legal studies" movement, radical feminism (including advocacy of homosexual rights), and a thorough hostility to Judeo-Christian sectarian influences. Most law professors are either atheists or hostile to organized religion. (*So what?*, you may ask, *this is not divinity school, what difference does the faculty's religious views make?* The answer is that our Declaration of Independence, our Constitution, and the "natural law" political philosophy upon which they are based all derive from certain religious premises which presuppose a belief in God.)

Irving Kristol describes this attitude as "secularist": a belief that "moral issues, 'have no place in politics'.... This is accompanied by a powerful animus against the dominant traditional beliefs, especially religious beliefs. The American Civil Liberties Union and the National Education Association faithfully represent this ideology, which explains why they are comfortable banning the Ten Commandments from the classroom but don't mind feminist or homosexual art." The legal fiction of a constitutional "wall" separating church and state is one result of this anti-religious prejudice.

These influences have transformed legal scholarship into an exercise in nihilism and "deconstructionism" that would be comically asinine if it weren't taken so seriously. Catharine MacKinnon, who believes all sex is rape, has been granted tenure at Harvard Law School. Lani Guinier, whose absurd civil rights rhetoric caused even Bill Clinton to blanch, is not at all controversial in the Ivy League circles where such gibberish is widely embraced.

The Boy Scouts disapproved of homosexuality for the same reason society has traditionally disapproved of polygamy, prostitution, incest, promiscuity, bestiality, sex with minors, and many other forms of "sexual orientation."

But we could ignore the foolishness in the law schools if the judiciary were in good shape. Here, however, are some actual judicial decisions: In *Merino v. San Diego County Council of the Boy Scouts of America*, a Superior Court judge in July ruled for an avowed homosexual who sued to force the Scouts to make him a Scout leader.

The judge held that the Boy Scouts are a "business establishment" subject to the anti-discrimination provisions of the Unruh Act; that the Unruh Act prohibits "arbitrary" discrimination against homosexuals; and that the Boy Scouts had no associational right to exclude homosexuals.

The judge stated that the Boy Scouts are not permitted to bar homosexuals as adult leaders merely because of a belief that the homosexual lifestyle is immoral: "The Unruh Act prohibits generalization as a basis for exclusion or preclusion from any business establishment. Assumptions that women are indecisive, Catholics are stubborn, or Germans are insensitive, and based thereon will be disallowed membership or customer service, is [*sic*] illegal. Similarly, persons may not be excluded based on their sexual orientation."

The judge seemed oblivious to the difference between a stereotype concerning personality traits and a moral judgment based upon conduct. Homosexuality, particularly avowed homosexuality of the sort prohibited by the Boy Scouts, is not a status; unlike immutable characteristics such as race, homo-

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sexuality is defined by the sexual *practices* of its adherents. Only individuals who regularly engage in homosexual *conduct*, and who openly profess such behavior, are publicly identified as "homosexual."

The Boy Scouts disapprove of homosexuality for the same reason society has traditionally disapproved of polygamy, prostitution, incest, promiscuity, bestiality, sex with minors, and many other forms of "sexual orientation" — it is deemed anti-social behavior that is immoral and undesirable. The court trivialized the importance of the Boy Scouts' right to make this moral judgment by comparing it to religious, ethnic, or racial biases.

The distinction is fundamental. Moral judgments based on conduct are what culture is made of. Such judgments are not "arbitrary"; they are steeped in centuries of tradition and are very deliberate. The Boy Scouts seek to instill in their young members certain values that it believes are important to the development of character. In an era where precious little effort is devoted to the promotion of moral values among our children, the Boy Scouts represent a bastion of such traditional beliefs.

This is not, unfortunately, an isolated case. In *American Academy of Pediatrics v. Lungren*, an intermediate appellate court in California in June declared unconstitutional a state law that required minors to obtain their parents' consent before having an abortion. The law reflected the compelling interest parents have in fundamental decisions affecting their minor children. Is there anything more basic to our culture than the preservation of parental authority over their children? The court thought so — the "right to privacy" (*i.e.*, right to an abortion) of the children.

In the court's words, "we do not agree that the interest of a parent in being involved in a child's medical decision should supersede the child's privacy rights. The State cites authority recognizing that a parent has a strong interest in the welfare of his or her child and in the preservation of the family unit, that parenting is a fundamental right, and that, ordinarily, the most effective method of promoting a child's interests is to help parents achieve their own interests. It does not follow, however, that a parent's interest in parenting, including the interest to be involved in a child's medical decisions, can supersede a child's fundamental right of privacy, including the right to make such a decision free of parental interference." Go figure.

Here we have an unelected judge invalidating a statute enacted by the Legislature on the ground that it violates a "right" that appears nowhere in any Constitution — a "right," moreover, that undermines the foundation of our society, the family.

The notion would be bizarre if it weren't so frightening: an unelected government official usurping a basic prerogative of parents, not only in the absence of legislative authority, but in defiance of it! Does a child's right to privacy include the right to have tattoos without parental consent? To donate organs? To have plastic surgery? To get married? To drop out of high school? To join the military? To "divorce" one's biological parents? How are these "rights" — enjoyed by adults but denied to children — distinguishable from the right to have an abortion?

The only explanation is that the "right" to have an abortion is the most exalted of all liberties in the pantheon of liberal beliefs. (This decision, by the way, was written by the same judge who ruled in 1990 [*Crespin v. Kizer*] that the state of California cannot require illegal aliens to reveal residency information on welfare applications, thus opening the floodgates for fraudulent Medi-Cal claims.)

Can it get any worse than this? I've barely touched the surface. Similar decisions are issued weekly. Earlier this year, a federal court of appeals held, in *Beno v. Shalala*, that the state of California could not implement a statewide reduction in certain cash welfare benefits to 6.3 percent below 1988 levels as part of a "working incentive program" to encourage able-bodied recipients to find work, at a savings to the taxpayers of $420 million a year. Why? Because the federal government — which had approved the benefit reduction — had not adequately considered, among other things, "the danger California's benefits cuts would pose to recipients."

In a remarkable display of New Age jurisprudence, the Ninth Circuit opined that a welfare reform measure must have "a research or demonstration value. A simple benefits cut, which might save money, but has no research or experimental goal, would not satisfy this requirement." In other words, the taxpayers cannot choose to reduce welfare benefits simply to cut government spending!

We must understand that our values, our institutions, and our culture are under attack.

We must understand our opponents and their objectives. And we must fight back. Each of us is a soldier in this war, and our culture is losing. As Bill Bennett reminds us, "At the end of the day, *somebody's* values will prevail." The question is, whose?

Mark S. Pulliam, CPR's Legal Issues Correspondent, is an attorney in private practice in San Diego.

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GUEST EDITORIAL

True Crime

BY PAT NOLAN

With all the hoopla over President Clinton's victory on the crime bill, the press overlooked the really big winners: those who live well off the public's fear of violent crime, *i.e.* government lawyers, prison builders, those who supply prisons the many provisions they need to operate, bond sellers, social workers, and prison guards.

Too many people profit from the War on Crime. Like their counterparts in the War on Poverty, these parasites have discovered they can live the good life by "doing good." Also like those who live well off the War on Poverty, they don't want to win the war — that would end their gravy train. If this seems overstated, consider: California's prison guards union — the California Correctional Peace Officers Association — has so much at stake, so much to protect in the system, that it is now California's second largest contributor to political campaigns. Only the California Medical Association gives more.

Unfortunately, the general public didn't make the list of "crime bill" winners. In fact, average citizens are the big losers. They'll pay the crime bill's cost, but their neighborhoods will be no safer. As Jersey City Mayor Brent Schundler said, "This bill is complicated and will cost Americans billions more in taxes, but will do virtually nothing to reduce crime. Why? Because our problem in America is not that we spend too little money on policing, but rather that in return for our money we get too little policing."

When the public demands that more resources be spent fighting crime, they mean violent crime. But when the dollars are spent, most go to combat a newly expanded list of *non*-violent, often unintended and, in fact, often quite innocent, transgressions against the bureaucratic regulations and controls government increasingly imposes to hamstring the people.

It's a classic bait and switch: Congress "hears" the public's demand for more policemen and longer sentences for hardcore violent offenders and makes a great public show of "responding." But the people actually get little additional protection. From the crime bill's $30 billion price tag will come one new policeman per government jurisdiction. Janet Reno just announced that, thanks to the crime bill, 600 new FBI agents would be hired — *all* to be used against "white collar" crime. (The Bureau is particularily interested in resumes showing "managerial background.")

Besides this we will get a considerable expansion of federal control over state and local affairs, and massive funding for prosecution of non-violent offenses and for jailing those convicted. Also, of course, this "crime" bill throws in the biggest infusion of cash grants to cities for social programs since the Carter presidency.

Next time you hear a politician bragging about his splendid crime-fighting record, ask whether he's talking about punishing murderers and rapists or is he, perhaps, discussing a record of jailing people whose only crime is offending a bureaucrat. When he says he wants to get tough on criminals, does he really mean the farmer whom the feds have indicted for multiple felonies just because he ran over a rat with his tractor? Is this the type of man *you* are willing to pay higher taxes to put in prison? In the last few years the bureaucrats have succeeded in criminalizing many activities that are no threat at all to public safety. The Environmental Quality Act, the Americans with Disabilities Act, and the Endangered Species Act all have criminal penalties. So did Clinton's temporarily dead, but unlamented socialized medicine bill.

A substantial portion of the men with me here at the Federal Prison Camp in Dublin are here for bureaucratic "crimes" arising from disputes with government employees over billing procedures, loan documentation, late filing of documents, or other violations of statutes that are technical in nature.

Bureaucrats and government lawyers consumed massive resources in prosecuting these men. Courtrooms were tied up for weeks while their cases were tried. Now they languish in prison, costing the taxpayers thousands of dollars for food, housing, and prison guards, not to mention the loss of their productivity to the economy. And you paid for all this "anti-criminal" activity thinking it was intended to stop violent crimes.

It came as quite a shock to me — though it shouldn't have — to learn that our judicial and penal systems are just like every

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other bureaucracy. In my 15 years in the Legislature, I was blind to this fact. Where was my healthy suspicion toward government structures? Why did I think these agencies were exempt from the excesses endemic in other parts of government just because I agreed with their aims? I hope to awaken other conservatives to this fact: *All* government bureaucracies — even those founded to do things we like — not only tend to become self-perpetuating, they expand to serve those who work for them and do business with them.

Like all bureaucracies, what I will call the judicial-penal complex spends lavishly trying to convince us they are doing all they can to protect us, and that if they had a little more money they could get the job done. They engage in a numbers game, like the body counts that used to come out of Vietnam, to try to convince us they are making progress. They go after non-violent criminals because they are easier to get.

Businesses that fight government put themselves at terrible risk, not only from bad publicity that destroys their reputations (like politicians, once accused, they are more-or-less reflexively portrayed by the press as villains), but also through the enormous cost of their defense against the bottomless pit of government lawyers.

These bureaucratic offenders don't think like criminals. They are easy to intimidate, to fool into "cooperating" in their own destruction. Severely increased penalties, again making too small a distinction between violent and non-violent crime (or between malicious anti-social behavior and technical missteps in dealing with an ever-more demeaning, irrational, and wasteful tangle of bureaucratic regulation), force innocent people to plead guilty rather than risk separation from their families for decades.

All of this sends a message: submit to the bureaucrats or be destroyed. It works — and, on paper, each conviction of a non-violent criminal looks as good as getting a violent thug.

Conservatives should consider deeply this new direction in anti-crime policy, embodied in both the Clinton bill and more broadly in other recent regulatory legislation, prosecutorial and judicial practices, and in imprisonment. Ask yourselves: do we really want to move significantly toward federalizing our police? Look for the usual strings attached to whatever federal money eventually does appear for more officers: affirmative action set-aside requirements, enforcement quotas, and, overall, the loss of independence of our local police departments.

Do we really want to add vast additional costs to our cities for pension and health benefits? And what happens when the federal money runs out in six years?

Above all, conservatives should ask themselves how likely it is that these bloated bureaucracies, carefully crafted by liberals in Congress and the White House, will turn out to be any less rapacious, irresponsible, or concerned with the rights of ordinary Americans than, say, the IRS, just because they are packaged and marketed under the dishonest label "tough on crime."

Patrick J. Nolan is former Republican Leader of the California Assembly.

THE WORKING PRESS

Raging at Huffington

BY TIM W. FERGUSON

Michael Huffington not only needs to spend enough to out-fence Dianne Feinstein, but he must drown out the hostile press as well. The major papers have been jaundiced about his bid from the beginning, raising doubts about his business and political credentials, while the catty magazines have done a number on Arianna. But who's to defend them?

Supporters such as Lod Cook of Arco and David Murdoch of Dole Foods aren't going to go to the mat for "Mike" the way Bruce Herschensohn's loyalists did for their man, so he's left with money as his best defense (and offense).

The aching sense that this is a fatally flawed candidacy, for all that it has achieved in taking Dianne down off her pedestal, is especially painful because Huffington or his handlers have managed to position the campaign so beautifully on several issues. He is the opponent of the welfare state who promotes the independent sector. He is a congressman who won't carve out pork just to suit a big employer in his district. He wants to repeal legislation, not to add his own. It is, as George Skelton of the *Los Angeles Times* observed, a fundamental choice between a woman who lives and breathes government and a man who'd have us believe he is her polar opposite. That's going to make the crash and fall, if and when it comes, an unavoidable blot on free-market conservatism.

But, then, this is an election of profound ambivalence for the state's Republican right.

Media bias is a problem when a news journalist has contempt for a political philosophy or "ideology" (usually that of the right). But more often, the powerful contribution of the right's ideas isn't well captured because those doing the stories

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SACRAMENTO SPECTATOR

The September GOP convention was so dull — how dull was it? — that its highlights were the only funny moments. Perennial conservative favorite Tom McClintock stole the show with posters of his frugal self with a caption reading, "He's just like you. Only Cheaper." A cross between a Dewar's profile and the Preppy guide to proper dress, McClintock's poster shows him with "Pen. Bic. Free with Razor," "Haircut. Wife," "Belt. Reversible," and several other tokens of how frugal he truly is.

The Huffington campaign contributed to the mirth as well, with acrobats who flipped and flopped as DiFi's reversals on hot-button issues like immigration were read to the cheering crowds. In a suprisingly populist move, Rep. Huffington and his wife Arianna then joined in a precinct walk organized by Young Republican Federation.

Elsewhere at the GOP Convention, the talk was about a controversial proposal to change the CRP Bylaws to list to list the liberal California Republican Congress as a permanently chartered organization. Conservatives arrived at the Convention loaded for bear and demanding that they be included in the proposed changes or else. Cooler heads prevailed, and the "or else" never came to pass. The press reported that the whole thing was a "unity fest."

Will the Democrats ever learn? Not if this election is any indication. Why does the Democratic leadership in Sacramento keep picking complete turkeys for candidates?

Senate District 16. A must win for Bill Lockyer, and...the Democrat nominee is Jim Costa. Not *the* Jim Costa you may ask. Yes, completee with vices and all complete with: news stories about encounteres with prostitutes, brawls in bars, and marijuana in his home (but supposedly left by robbers who did not take anything). And now the Costa-capade: After Jim

Costa rudely elbowed a female Assemblywoman on the chest to cut in line to change his vote, Capitol staffers encouraged the Spectator to challenge the disoriented Costa and find out whether he really had a permant cold... or something else up his nose. Couple all this with Costa's voting record in favor of tax amnesty and college scholarships for illegal aliens, and the result is a stunning five point lead by conservative Republican Phil Wyman in SD 16.

You have heard the stories about Democrats running around in the Capitol stampeding like cattle in a barn fire, every time their polls drop. The pressure seems to have gotten to another one. Steve Peace, infamous for name calling and getting physical with fellow legislators, lost it again this time at an AARP forum.Peace and several of his supporters physically confronted Peace's Republican Challenger Joe Ghougassian, shoving and shouting profanities.

Julie Bornstein, incumbent in Assembly District 80 and a favorite of Willie's, was all but assured of the CCPOA (California Correctional Peace Officers Association) endorsement. Bornstein waltzed into the CCPOA interview, answered all the questions flawlessly and waltzed right out. Jim Battin, Republican nominee for AD80 followed her carrying with him a videotape of Bornstein before another group, giving diametrically opposed answers.

Word has it that CCPOA promptly voted to endorse Jim Battin, and sent word to Willie Brown that they have enough problems being lied to by convicts and parolees...they don't need the same from their legislators.

In late breaking news, your *Spectator* hears that there may be a link between distribution of the much awaited books on the John-Rogers cult (and Arianna Huffington) and DiFi's financial backers. So we might have a liberal, Jewish, San Fransico politician financing a book designed to sour conservative Christians on the Huffington candidacy and get them to vote for DiFi. Needless to say, things are getting a little confusing so stay tuned.

Finally, there is continuing evidence that GOP gubernatorial primary challenger Ron Unz strikes terror in the hearts of Wilsonites. Rumors that he would run for CRP chairman caused young Wilsonites to phonebank late into the night.

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are out of their element when battles turn on intellectual armor. Instead, they are used to describing political conflicts in terms of warring interests. A recent example was Frank Clifford's page-one article in the *Times* on the trouble that most big environmental groups such as the Sierra Club are having at a time when Al Gore is vice president and they ought to be in their glory. They can't raise enough money to keep their huge overhead in tact, their memberships are declining and their agenda is stalled (at last). Clifford, who's written some perceptive pieces, identified their opponents as "a broad alliance of rural landowners, suburban real estate developers, and big-city industrial interests."

The legal scholars who've revived the "takings" clause of the Constitution to stop the greens in a few critical court decisions are none of those three. Property rights is a concept held dear for reasons far beyond the fate of some parcel down the road.

If it's any consolation, the unnoticing of ideas cuts both ways. It's unlikely, for instance, that Bertrand Russell's name appeared in many news sections until the day he died.

Local papers are vital for relating information on legislative races that are beneath the radar screens of the metropolitan dailies. Thus it was that the *Inland Valley Daily Bulletin* served the public of eastern Los Angeles County by reporting on special-election day that GOP Assemblyman Paul Horcher received a last-minute infusion of $111,500 from Democrat lobbies into his state Senate campaign.

He lost big, as it turned out, to Dick Mountjoy. But to those Republicans who don't know Horcher as a shill for the trial lawyers who is regarded in his own caucus as a slimeball, an expensive mass mailing can be persuasive and a savvy community press is the best antidote.

As it turned out, Mountjoy had already cornered the absentee votes, so the Willie Brown-Bill Lockyer axis wasted its money in this one. But Horcher should retain his lower-house seat this November, so the *Daily Bulletin* can keep bird-dogging him.

Last time we implied incorrectly that broadcasters had succeeded in derailing Horcher's bill to bar the worst of the ambulance-chasing ads from TV and radio. In fact, the bill — carried on behalf of CTLA (which is embarrassed by naked barratry) — survived and, as of press time, was awaiting Governor Wilson's signature or veto.

Speaking of attorney amicuses, *California Lawyer* is a monthly publication of interest to anybody clued in to public affairs. The August issue carried *L.A. Times* writer Richard Paddock's review of the Dunsmuir Spill settlement. There we learn that of the $40 million paid out of the various deep pockets ($1 million for each mile of Sacramento River damaged in the 1991 chemical-train accident), probably only a third went to clean up the river. The categories of expenditure cited in the story are difficult to break down in this way, but apparently the rest of the money went to lawyers and bureaucrats. But things could have been worse — it could have been declared a Superfund site.

Everyone's in favor of "improving the business climate," but when you get down to it, all those regulations didn't come out of nowhere. Most of them have a constituency behind them, and the reason California is so hard on enterprises is that those lobbies have so much sway.

Take, for example, a *San Francisco Chronicle* business story dripping with worry that Governor Wilson's appointees to the occupational-health board were going to make it harder for workers complaining of repetitive-stress injury. No doubt many employers (and not just those with electronic keyboards, as the article points out) would be delighted if such were the case and they were on a "level playing field" with other states.

The planned California desert national park isn't exactly in the *Chronicle*'s circulation area, but Carolyn Lochhead of the paper's Washington bureau got another beat on the *L.A. Times* with a story that Dianne Feinstein's much-touted legislation was in late trouble in the Senate. Another example of why the *Times* is not the place to go looking for hard news on state matters.

The *Times* does devote plenty of column inches to David Shaw's periodic analyses of the media, and some of them are quite worth reading. (At least, the first day of each series is.) This was true of his September examination of the penchant for psuedo-scientific scare stories, which are rarely corrected or retracted later.

Chapman College will open Orange County's first accredited law school, meaning a new fount for local litigation. This horrible news was celebrated in an editorial in the *Orange County Register*, which figures that the old supply-demand curve applies to the legal trade and that the area's consumers would

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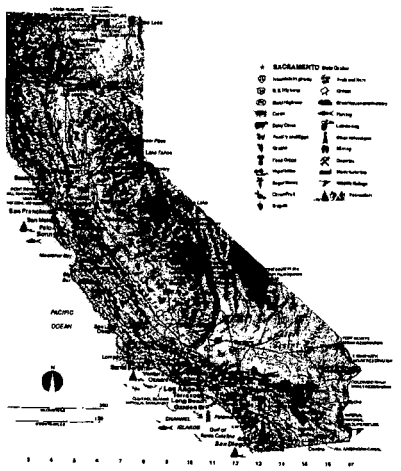
CALIFORNIA CHRONICLES

HESTON BLASTS 'CRIME' BILL

"What President Clinton's not telling you about the crime bill ... should be a crime," said Charlton Heston in a series of TV spots aired nationally before the bill passed August 26. Heston, a lifetime NRA member, told The Media Research Center's TV, etc. newsletter he was "pleased to have a chance to use the public forum available to me to, as a private citizen, deplore attacks on the Second Amendment." He cited the bill's ban on so-called "assault" weapons — a variety of guns that look like military-style weapons, but otherwise are no different from ordinary hunting rifles. The Heston spots pointed out that the bill adds two social workers for every new policeman, forbids teaching the Ten Commandments to deter crime, abolishes mandatory sentences for crimes committed using a weapon, and, through a retroactive provision, releases 10,000 criminals who had been serving minimum sentences. Surveys show 66 percent of Americans think the gun ban will do nothing to deter crime. "What most annoys me," said Heston, "is the determination of the media to demonize" members of the National Rifle Association. "This is not a group of stealthy plotters, huddled in a back office in Washington. [NRA membership] is now closing on 3 million Americans," he said. Contact: The Media Research Center, 113 S. West St., 2nd Flr., Alexandria, VA 22314, 703/683-9733.

PLF ASSISTS CRIME VICTIM

Pacific Legal Foundation is helping Sacramento school teacher Robin Reagan initiate disciplinary proceedings against the officers who paroled one Glen Cornwell who then murdered her father, William Reagan. Under California law, citizens may petition the Parole Board to begin proceedings against parole authorities in cases of alleged incompetence or inexcusable neglect of duty. In 1985, Cornwell was sentenced to 16 years in prison for a string of armed robberies, but was paroled in 1992. Arrested a short time later for possession of cocaine and a firearm, Cornwell was only admonished and released. Authorities subsequently upgraded his parole status — meaning less supervision. Six weeks later, he robbed and killed William Reagan outside a store in downtown Sacramento. Reagan is seeking punitive action against the parole agents in Cornwell's case. Contact: Pacific Legal Foundation, 2700 Gateway Oaks Dr., Ste. 200, Sacramento, CA 95833, 916/641-8888.



California Chronicles welcomes information about conservative groups, publications and activities. News of liberal fraud, fatuousness, and foibles especially appreciated. Contact: Anne McFadden, P.O. Box 783, Santa Monica, CA 90406-0783

'ACT-UP' PROTESTS FERGUSON BILL

A new state law prohibits disruptions of worship services and radical homosexual groups don't like it. The legislation, sponsored by Assemblyman Gil Ferguson, responds to a string of disruptive attacks made on Churches and various religious services by members of the radical homosexual organization "Act-Up," which specializes in confrontational political action.

Traditional Values Coalition leader the Reverend Lou Sheldon, himself a victim of violent Act-Up assaults, defended the Ferguson bill, pointing out that stringent new laws prohibit even non-violent prolife counseling at abortion mills. Prohibiting violent raids on Churches, Sheldon said, is the least government can do in defense of religious freedom. Act-Up spokesmen say the bill violates their right to protest. Contact: Assemblyman Gil Ferguson, State Capitol, Sacramento, CA 95814, 916/445-7222.

END WELFARE AS BILL KNOWS IT

The Claremont Institute offers "Turning Back the Welfare State," a report written by Tom Bethell with a preface by William Rusher, on a major CI-sponsored welfare reform conference. Participants included Bruce Herschensohn, *National Review* Editor John O'Sullivan, criminal justice expert James Q. Wilson, and Charles Murray, author of *Losing Ground*, a highly influential critique of America's anti-poverty programs. Contact: The Claremont Institute, 250 W. First St., Ste. 330, Claremont, CA 91711, 909/621-5831..

BLACK AMERICA: CHANGING DIRECTION

The National Center for Public Policy Research has published "Black America 1994: Changing Direction," examining welfare and education policies and concluding that government is failing to solve the black community's problems. Kevin Pritchett and Star Parker contribute. Contact: National Center for Public Policy Research, Eye Street, NE, Ste. 3, Washington, D.C. 20002, 202/543-1286.

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therefore benefit from better and/or cheaper representation.

Maybe Chapman's market-oriented president, Jim Doti, thinks so, too. The trouble is that lawyers don't go looking for the same clients, they create new ones who'd rather not be shopping for court.

Credit Dan Walters of the *Sacramento Bee* for background on why Jacqueline Shafer was voided as secretary of the Air Resources Board by the state Senate's failure to approve her appointment after the fact. Walters saw it as the Democrats' strike at James Strock, the Wilson environmental deputy who is not subject to confirmation.

Shafer was a Reaganite who might ultimately have talked some sense into the agency that is promoting the electric car and other silliness, although she'd been squishy enough in the job that the Natural Resources Defense Council backed her nomination, hardly a good sign. Strock fights with the federal EPA, where he was enforcement chief under George Bush, but is less combative when it comes to the state's home-grown environmental zealots. Matter of fact, he has a physical likeness to Al Gore. Expect to hear more of him if Wilson is re-elected. Can't wait, can you?

Your press watcher was blessedly absent from the *Times* circulation area for most of the summer, so he has no PC selection from the Not-So-Gray Porpoise this time. It can be reported that the Life & Style (formerly View) section has added a color mug of lefty columnist Robin Abcarian. And an inside feature labeled "Jokes." Neither is guaranteed to brighten a reader's morning. But here's a fun quiz: Can anybody find a regular columnist for a major California paper, not on the opinion pages, who is right of center?

Tim W. Ferguson is California Politcal Review*'s press critic.*

THE ECONOMY

P.C. Autos

BY WILLIAM R. ALLEN

Even in this land of the Free, Big and Little Brother have often diddled, and threaten to diddle some more in how citizens may use resources. For instance: The California Air Resources Board recently refused to delay or otherwise modify a 1990 mandate requiring, in effect, that a progressively increasing proportion of automobiles be electric-powered. The state government is requiring that, beginning in 1998, 2 percent of "vehicles produced and offered for sale" in California generate "zero emissions."

Then, three years later, the quota rises to 5 percent, and in 2003 it will be 10 percent. Producers who do not comply are to be excluded from the California market. Several other states are happily intrigued by this procedure of problem-solving by pronouncement.

But some of us who live in the real world, rather than in Sacramento, fret about some questions and complications. We do not do so out of enormous affection for the gasoline-powered engine, which is noisy, dirty, and not very efficient. But casting aside what we have simply by premature, willy-nilly stipulation is not likely to improve the situation.

For reasons best explicated by specialists in abnormal psychology, some sophisticated technology now in hand is not as attractive to many politicians.

1. Technology. The technology to provide a satisfactory substitute for the internal combustion engine is not here, although basic design for the 1998 model year should be locked in by now. And, disconcertingly, some expectations have been deteriorating with research experience. General Motors announced in 1990 its forthcoming electric, two-seater automobile, the Impact.

Four years ago, the expected range of the Impact before battery recharging was some 130 miles; today, it is given as 70-90 miles — if the air conditioner, heater, headlights, or windshield wipers are not used. Four years ago, the top speed was to be 110 miles per hour; today, it is 80. Four years ago, the anticipated recharging time was about one hour; today, it is seen as two to three hours (on 220 volts) or 10 hours (110 volts). Four years ago, battery replacement (after 20,000 miles) was to cost $1,500; today, replacement (after 3-5 years) may be as much as $15,000.

No one can know what tomorrow holds, and hope springs enternal. But we have had more than a century of experience with electric automobiles, and batteries have long been the

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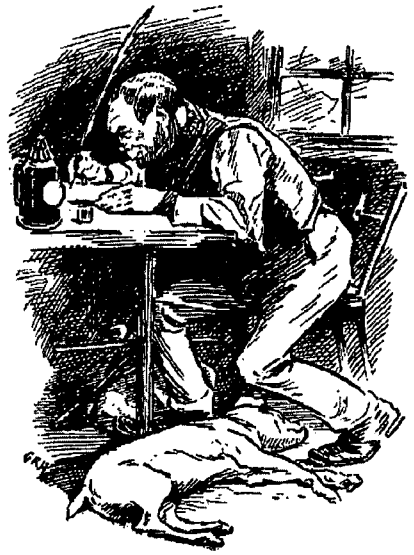
NOTEBOOK

PROPOSITION 187 might be in trouble, ironically enough because it is so widely viewed as a slam-dunk to win November 8. Support for the measure to end various state payments to illegal aliens has reportedly dropped from the 60 percent-plus range into the 50s. Still holding a considerable lead, the initiative is expected to be strongly attacked with ample funding from the California Teachers Association and other wealthy public employee unions whose members benefit handsomely supplying those services the initiative would end. Unlike the insurance industry (which spent millions trying, vainly, to defeat 1988's Proposition 103), these people know how to mount a campaign. Their well-funded opposition is not to be taken lightly, but, so strongly has the notion that 187 can't lose taken hold, supporters might fail to fight back in time .... One argument the 187 antis will use is the vision of disease outbreaks among illegals once they're denied health care or other welfare payments.

GOP Senator Phil Wyman is looking stronger in his bid to hold his Central Valley seat against Democrat Assemblyman Jim Costa. An intensive registration drive in Wyman's district has added three percentage points to the Republican column since June .... Minions of Governor Pete Wilson vehemently opposed infusion into Michael Huffington campaign of conservatives Lorelei Kinder, Matt Cunningham, and others. Kinder, a consultant to Huffington's effort to oust Senator Dianne Feinstein, managed Ron Unz's primary challenge to Wilson. Cunningham, a long-time aide to Senator John Lewis and now a member of the Huffington media staff, has blistered Wilson in the past in his newsletter, Illuminare .... This Huffington outreach to conservatives removes some of his "liberal" stigma on the GOP right which had taken some of the heat off Wilson. To the extent Kinder, et al, succeed in rehabilitating Huffington among conservatives, Wilson is left as the sole object of their scorn. One noteworthy development in this regard already: a forthcoming letter by Unz supporting Huffington's candidacy.



Overall tracking shows Huffington having caught and passed Feinstein among "most likely" voters during post-Labor Day campaigning. Were election held as of this writing (early October) he could win by 3-to-4 points .... Continuing benefits from Unz's spring candidacy are evident in the highly-publicized (and out-of-character) Wilson campaign season, rightward-tilting vetoes of "Domestic Partners" and "CLAS" test reauthorization legislation ....

Campaign of Republican state Treasurer candidate Matt Fong is helped by resentment against Dem nominee Phil Angelides within his own party over what was perceived as a sleazy, negative (but successful) primary campaign against former state Senate President Pro Tem David Roberti. Fong also is helped by his ability to raise considerable financial support from Democrat as well as Republican Chinese-American voters ....

Courtroom resistance to "3-Strikes" law is beginning. Petaluma-based conservative newsletter *The Weather Vane* reports that Sonoma County Superior Court Judge Lawrence Antolini, having previously called the law "insane," in a recent ruling declared it also unconstitutional and thereby sentenced three-time felon Jeffrey Missamore to probation ....

The Right Mind uncovered this comeback (from Jacob Weinstein in *Washingtonian* magazine) to anti-population doomsday predictions that draw out current trends *ad absurdum*: "The number of Kennedys on the ballot has doubled roughly every ten years .... At this rate, there will be 256 Kennedys running by the year 2050, and 4,096 by the end of the next century .... By the end of the 22nd century, the problem will have reached crisis proportions: 4,194,304 Kennedys, Shrivers, and Schwarzeneggers pouring out of Hyannis Port in a quest for votes." Now that's a crisis

American Legislative Exchange Council recently published a report that no doubt dismayed the constantly money grubbing California Teachers Association. In the report, ALEC documented that not one of America's top ten states for public education ranked in the top ten for spending per student. The repudiations of CTA beliefs continue apace in states like Utah, Iowa, Kansas, Montana, and others that have smaller schools (under 300 students) where principals know each student's name and *hold them accountable*.

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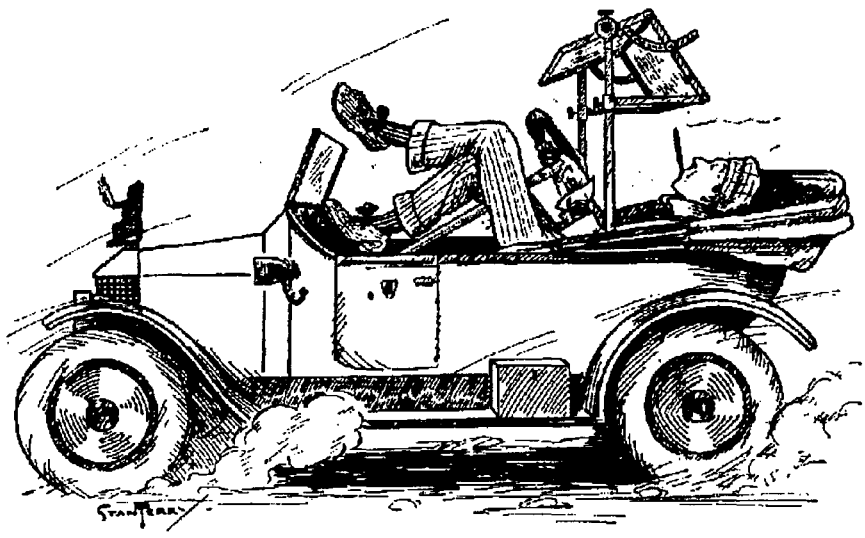
subject of research. A professor of mechanical engineering, writing in the *New York Times*, has remarked that "the chances for a great advance" in battery technology "are remote for something as thoroughly familiar as electrochemistry."

2. Price. It is acknowledged that this "weak-kneed contraption of batteries on wheels," as it has been dubbed by one engineer/scientist, will carry a price premium — unless camouflaged by heavy governmental subsidies. Estimates of the premium range from $3,00 to more than $20,000.

3. Efficiency. Technological efficiency is not everything. More subtle and encompassing is economic efficiency, the value of outputs relative to the value of inputs. Value stems from valuations, and, in our society, the valuations are made in the market by the community.

We define efficiency in terms of how well consumer preferences are satisfied.

When government mandates, subsidizes, or decrees prices or outputs, it muddies the market waters and dilutes the efficacy of consumer preferences, thereby reducing economic efficiency.



Proponents of minimum market quotas for electric autos have argued that production and sales decrees are necessary to ensure adequate investment is such cars and in the associated battery-recharging infrastructure.

But that is an admission that consumer demand is apparently inadequate.

Genuinely promising products do not require paternalism. The hope of increasing personal wealth has led venturesome, acquisitive individuals to test and pursue supposed or potential demand for automatic transmissions, television, video recorders, instant coffee, credit cards, personal computers, supermarkets, miniskirts, and hula hoops.

And government-sponsored infrastructure was not universally required. Automobile production was not delayed until a network of filling stations appeared; movie makers did not wait until theatres were built; radios did not wait for radio stations.

Electric autos do not require government mandates if the product pleases the community; and they will be inefficiently supplied if they are not demanded and are offered merely by state decree.

4. Mandate. The Air Resources Board decree is in terms of "vehicles produced and offered for sale." What if the community will not buy a battery-driven 2 percent of the cars produced in 1998? Government can mandate production quotas; it cannot mandate consumer purchases.

Well, presumably, those cars will be bought at some price greater than zero!

If customers will not pay a cost-covering price, they can be seduced by a sufficiently lower price. But if the price is less than the cost, the value of the car is less than the value of the resources which constructed the car. This is known in some circles as "resource misallocation" or "waste."

The waste entailed in producing unattractive battery cars will reduce profits of car manufacturers and lower production and raise prices of gasoline cars, thereby compounding the waste and adding pollution from old cars which people retain longer.

Further, if disappointing electrical trinkets are foisted off onto a duped market, the disappointment and chagrin will alienate consumers, who then will demand few electrical autos some years from now when technology may have improved appreciably.

5. Alternative pollution reduction. The internal combustion engine is, indeed, a polluter. But (a) present fuels pollute less than those of a couple of decades ago; (b) the major part of the emissions problem is not dirty fuels, but untuned cars, with ten percent of the cars creating over half the pollution and 15 percent generating 75 percent of the emissions: and (c) even battery cars are not entirely pollution free, for there is pollution in generating the electricity which powers the cars.

For reasons best explicated by specialists in abnormal psychology, highly serviceable and even sophisticated technology now in hand is not as attractive to many politicians as esoteric technology still being pursued and prematurely mandated.

The ham-handed, clumsy belligerence of Little Brother in decreasing deadlines for battery cars can hardly be called a coherent strategy. It resembles a king standing on the beach commanding the tide to behave itself — and getting his feet wet.

William R. Allen is professor of economics at UCLA, and fairly exudes beauty, grace, and charm, whether or not his students notice.

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THE LEFT'S WAR AGAINST RELIGION IN POLITICS

When Politicians *threaten religion*

When I was growing up in Greece, my grandmother told me stories of how, during the German occupation, my father was sent to a concentration camp for running an underground newspaper — a small but stubborn paper that articulated the subversive truth of freedom. I've carried those memories all my life.

Over the past few weeks we have heard the voices of intolerance rising — from political podium and editorial page — in a campaign against religious conservatives engaged in the democratic process.

They've bred in me a fierce commitment to the freedoms we enjoy as Americans, and a profound love and gratitude toward the country that protects them. But there is a foul wind blowing in America.

Over the past few weeks we have heard the voices of intolerance rising — from political podium and editorial page

BY ARIANNA HUFFINGTON

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— in a campaign against religious conservatives engaged in the democratic process. What was once thinly veiled disdain has turned into ridicule — an ugly example of what Stephen Carter, author of *The Culture of Disbelief*, meant when he wrote that "it is easy to be McCarthyite about the Christian Right."

More appalling still have been the opportunistic attempts of certain politicians to demonize the "fire-breathing radical right" — to manufacture bogeymen in the minds of Americans in a cynical bid to win their votes.

This was the strategy of Representative Vic Fazio when he warned the National Press Club of a "stealth" group seeking "to carry views that are distinctly religious over into the government and try to impose those as laws."

WHERE ARE THE RADICALS

As I listen to this hysterical hyperbole, I wonder who this "radical" cabal could be. I think of Christians and Jews I know who draw on the reservoirs of their faith to help guide their decisions as parents, professionals, and citizens. I think of leaders, past and present, who have appealed to religious truth to inspire "the better angels of our nature" on behalf of justice, mercy, or compassion. I think even to the founders of our nation, who through their vision of "one nation under God" tried to moor America with moral beliefs that would help guide its progress through the shoals of change.

Representative Fazio questioned the propriety of religious individuals who "come together as a force to change the direction of their party." What he and his allies seem to be saying to believers is: don't organize, don't congregate, break it up, move along.

How would such an attitude have affected the marches of the civil rights movement? Where would it have left groups, such as the Southern Christian Leadership Conference, that organized courageously on behalf of their spiritual beliefs in human dignity and freedom?

And why are we allowed to applaud when religious rhetoric is used to stir hearts on behalf of civil rights — but shouted down when students and teachers bring spiritual convictions to bear on sexual abstinence programs for teenagers?

Those who attack "the religious right" betray not so much a bigotry against religion as a lack of faith in the very democratic process they pretend to protect.

It is absurd to ask religious believers to check their convictions at the door of democracy. Those who attack "the religious right" betray not so much a bigotry against religion as a lack of faith in the very democratic process they pretend to protect. In attempting to censor religious conservatives, they demonstrate a lack of confidence in a system at once strong and flexible enough to accommodate even those opinions they ardently oppose.

One need not agree with every opinion and every issue advanced by the Christian Coalition to acknowledge that they grant voice to a great many Americans concerned about the moral and spiritual direction of their country.

AN IMPORTANT SHIFT

The runaway success of Bill Bennett's *Book of Virtues* reflects a reawakening to the importance of simple values such as responsibility, courage, compassion, hard work, and faith. Magazines such as *LIFE*, *Newsweek*, and *U.S. News & World Report* are riding this wave with cover stories on American spirituality, prayer, and the "new politics of virtue."

These examples illustrate a subtle yet profound shift in the way we see our problems and ourselves. After years of tithing trillions of tax dollars to a centralized savior — the federal government — Americans are rediscovering solutions right in their own back yards: volunteer organizations, church groups, neighbors helping neighbors.

Activism is giving way to action. Citizens who, in another era, might have organized a "March on Washington" to force the federal government to take action, are now taking action on their own, by marching into the soup kitchens, AIDS hospices, and church shelters in their own communities.

I've met and worked with such good samaritans all around the state, and many of them are motivated by deep spiritual convictions to "bear one another's burdens." Their voices should

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be welcomed, not censored, in the legitimate debate over the role of government in late 20th century America.

The late Lee Atwater described this transformation shortly before he passed away: "Long before I was struck with cancer, I felt something stirring in American society. It was a sense among the people of this country...that something was missing from their lives.... I don't know who will lead us through the '90s, but they must be made to speak to this spiritual vacuum at the heart of the American society, this tumor of the soul."

I welcome the contributions of religious conservatives to this debate. Perhaps Representative Fazio and liberals like him would feel the same way, if they could step outside their stereotypes and see religious Americans not the fire-and-brimstone parody the media would like to depict, but as they are.

Ex-New Jersey Governor Tom Kean, a Republican, recently had the courage to admit this discovery. After giving a speech to a group of party activists in Iowa in which he derided the influence of the religious right, he recounted his experience: "I made a point afterwards of talking to some of the [Christian] Coalition delegates. What I found surprised me. I guess I expected zealots. Instead, I found decent, everyday people. They were small-business people, druggists, librarians, and one man I talked to ran the local gas station ... Above all, they wanted the family and its values respected once more."

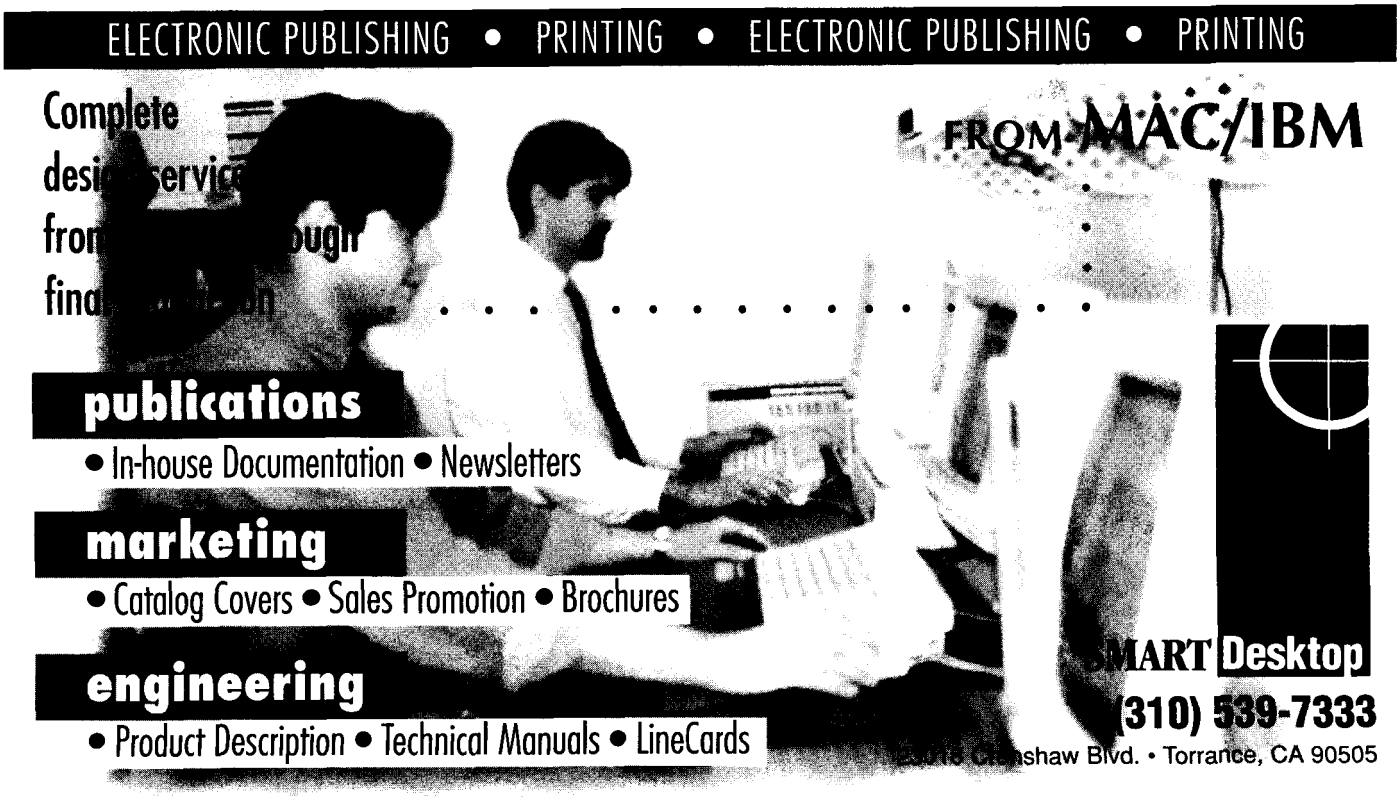
The sultans of secularism have too long tried to monopolize the national conversation over the nature of our problems and the sources of possible solutions.

The sultans of secularism have too long tried to monopolize the national conversation over the nature of our problems and the sources of possible solutions.

They have had their say, and for most Americans, their answers have been found wanting.

If critics like Representative Fazio truly believe that religious conservatives have nothing to add to the democratic debate, why are they so frantic to keep them quiet?

Arianna Huffington is the wife of Republican U.S. Senate candidate Mike Huffington.



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S Y M P O S I U M

PETE WILSON:

Cad or Cassanova?

[Should conservatives vote for Wilson on Election Day?]

AS THE NOVEMBER ELECTION FAST APPROACHES, GOVERNOR PETE WILSON IS TRYING TO WOO BACK JILTED CONSERVATIVES. CPR ASKED A DISTINGUISHED GROUP OF CALIFORNIA CONSERVATIVES WHETHER WILSON CAN BE TRUSTED AGAIN.

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ROBERT NAYLOR

Conservatives should support Pete Wilson for any one of the following three reasons: 1) he has significantly advanced the conservative agenda; 2) with Republican legislative majorities a clear possibility by 1996, his conservative pro-ductivity will increase dramatically; and 3) Kathleen Brown's election would result in another liberal gerrymander of congressional and legislative districts.

1. *Wilson has advanced the conservative agenda.*

For conservatives to vote against Pete Wilson and elect Kathleen Brown, they would have to elevate their anger over the 1991 tax increase or their disappointment over a handful of social issues to obscure a record of major accomplishment on the fiscal front as well as countless other issues. Pete Wilson:

- Cut spending by the state government by almost one-third compared with a "baseline" budget and by more than five billion dollars in absolute terms, all while undertaking a huge expansion in the Department of Corrections. This contrasts to the clinton "deficit reduction" tax increase, where federal spending has continued to expand.
- Instituted welfare reforms to encourage work and staying in school while implementing absolute reductions in regular welfare benefits.
- Won a significant reform in the workers' compensation system — widely credited with improving California's business climate.
- Won significant tax relief for businesses in the form of investment tax credits and enterprise zone relief.
- Sponsored a number of tough-on-crime measures, signing into law the strictest version of "three strikes and you're out."
- Fought the federal government to a stand-off on imposing a centralized smog-check program.
- Continues to fight the federal government on unreasonable implementation of the Clean Air Act.
- Signed into law the first enforceable budget balancing "trigger" mechanism requiring spending reductions if the state is headed toward another deficit.
- Fought for reforms in the California Learning Assessment Testing Program.
- Raised the illegal immigration issue to the point that Clinton is being forced to respond.

2. *Wilson can do more with a Republican Legislature.*

All of the forgoing was accomplished in the face of strong Democratic leadership and liberal control of the policy committees. The 1994 and 1996 elections, combined with the favorable redistricting, could give Republicans absolute control or effective policy majorities for the first time in a generation. The possibilities for real change become mind-boggling:

- Tort reform (Wilson is solid on this issue)
- Much more serious welfare reform
- Education reform (i.e., school choice, less bureaucracy)
- Repeal of the costly and unfair prevailing wage law
- Expansion of regulatory reform (including reforms of the California Environmental Quality Act [CEQA], workers' compensation reform and business tax relief).

Kathleen Brown would veto these initiatives.

3. *Kathleen Brown's election will lead to another gerrymander.*

Democrat legislative leaders have already announced their intention to redistrict the state to accommodate the "undercount" population the courts have ordered incorporated into the 1990 census. California will add one congressional district, but legislative districts will be adjusted as well, which means that all the benefits of fair redistricting (which have gone unrealized to date because of the 1992 election debacle) could be cancelled.

Control of the U.S. House of Representatives could depend on whether Pete Wilson or Kathleen Brown is negotiating with Willie Brown and Bill Lockyer about redistricting.

— Robert Naylor

This is serious. Control of the U.S. House of Representatives (Newt Gingrich's speakership) could depend on whether Pete Wilson or Kathleen Brown is negotiating with Willie Brown and Bill Lockyer about redistricting.

Of course that is only one of the policy-making atrocities — perhaps the most far-reaching one — which could occur if Kathleen Brown becomes governor because still-disgruntled conservatives fail to give Pete Wilson the credit he deserves.

Robert Naylor was Republican leader of the California Assembly, 1982-1984, and chairman of the California Republican Party, 1987-1989.

JOHN KURZWEIL

I voted for Pete Wilson in 1990; I will vote against him this November. No Democrat governor could be remotely as destructive to California or to the Republican Party, state and national, as Wilson has been and will continue to be if he is re-elected. My 1990 vote was predicated on the necessity of getting rid of California's gerrymander.

No matter how misguided this man Wilson was, I thought, a conservative take-over of the Legislature in 1992 would force the state away from the idiotic liberalism that had dominated

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us for so long.

The Democrats could not beat us. In 1980, '84, and '88, on both state and national levels, they had thrown every weapon in their considerable arsenal at the Reagan coalition and had failed to weaken it. Indeed, George Bush's 1988 demolition of Michael Dukakis seemed the last indication necessary that the left was finished.

But by November 1992, Wilson, amply assisted by Mr. Bush, accomplished what the Democrats had only been able to dream of doing: for the first time in anyone's memory, a Republican presidential candidate lost California, and did so in landslide proportions.

The vacuous Barbara Boxer defeated *Bruce Herschensohn*, while a hand-picked clown was throwing away our other U.S. Senate seat. We actually lost ground in the state Assembly, though the gerrymander was dead and gone. Why?

The obvious, of course: the massive Wilson and Bush tax increases convinced voters that Republicans are liars who don't believe even the core positions their Party supposedly exists to serve.

Ditto, as if any more were necessary, the Wilson-Bush spending and regulatory binges.

But, less obvious: Wilson directly sabotaged his own Party's '92 election chances. He drained off millions of Republican campaign dollars to fund mostly sure-loser primary campaigns by liberals opposing mainstream Reagan Republicans who eventually emerged as the Party's nominees. These pathologically destructive primary campaigns not only wasted the Republican dollars spent by Wilson.

They also cost the mainstream candidates many more dollars spent defending themselves. Obviously, none of this money was available in the fall.

But worse by far was the poison Wilson injected into the political atmosphere. In district after district, Wilson-financed Christian-bashing and a ludicrous obsession with abortion harmonized flawlessly with Democrat and media campaign themes to drown out the Reagan Republicans' talk of taxes and big government. Tom Campbell's incessant badgering of Herschensohn about abortion, which showed how divisive and suicidal this strategy would be for Republicans, needed no encouragement from the governor.

But Wilson money helped insure that Campbell's pro-Democrat strategy was reproduced at lower levels statewide. Apparently to underline the point one final time, Wilson skipped the state GOP's '92 pre-election convention to protest as publicly as he could the Party's unwillingness to adopt his own pro-abortion position. This hypocrite demands "loyalty" from rank-and-file Republicans but shows them nothing but treachery when the chips are down.

A final point on '92 for anyone inclined to write it all off to factional squabbling: if Wilson wanted a strong Republican Party, why did he not choose a strong liberal, say, Tom Campbell, to fill out his unexpired U.S. Senate term?

Why pick a proven loser, John Seymour? Why else but to avoid creating a strong GOP Senator who might eventually rival Wilson as top California Republican? When Wilson's choice is between what he considers his own interests and those of his Party, the Party assumes invisibility.

Wilson's position as Republican Party leader gives him an ability no Democrat could ever achieve to neutralize opposition to liberalism.

In effect, he changes the subject whenever liberalism is criticized in California. Such criticism inescapably becomes criticism of Wilson, who for four years has championed most of the liberal agenda. Suddenly the argument is no longer liberalism vs. conservatism.

Instead, it is the divisive, no-win debate over partisan loyalty that now has raged for four largely wasted years within the GOP.

I was fortunate enough to work for Ron Unz's campaign for governor. During that campaign, I saw the Republican Party I remembered from the Reagan days beginning to re-awaken: a genuine grass-roots enthusiasm among pro-freedom Californians for a trustworthy candidate whose interests were their interests.

The return of that GOP awaits Pete Wilson's departure. If we are fortunate, we'll see that happening later this year.

The massive Wilson and Bush tax increases convinced voters that Republicans are liars who don't believe even the core positions their Party supposedly exists to serve.

— John Kurzweil

John Kurzweil is editor of California Political Review.

ROGER HEDGECOCK

As a conservative and as a Ron Unz voter, I have made up my mind to vote for Pete Wilson and here's why:

1. *Immigration*: There is no more important issue. More people are breaking into the U.S. across the California border in one week than all the Haitians now at Guantanamo. Wilson has had the courage to endorse Proposition 187 and take the principled stand even Ronald Reagan would not take in defense of our borders. Kathleen Brown opposed Proposition 187. The issue is fundamental. The choice is clear.

2. *Crime*: Wilson has converted conservative rhetoric into

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real achievement. No phony "crime bill" here. California's three strikes law has real teeth and will send career criminals fleeing to other states or to prison for life. Conservatives supported Governor Deukmejian on law and order grounds; Pete Wilson has been tougher.

3. *Wilson's victory helps the good guys*: It's true even in California. The better Wilson does at the top of the ticket, the better Wright, Lungren, Fong, McClintock and Republican Senate and Assembly nominees do also. Below Wilson they're all conservative. I predict Tom McClintock's victory as state controller will mean a lot to conservatives and all Californians in the years to come. Wilson's victory margin helps Tom McClintock — and that's a statement Tom makes himself.

4. *Wilson will win*: Some conservatives act like the choice is Kathleen Brown if they refuse to support Wilson. What if they refuse to support Wilson and he wins? I think Wilson will win because of the conservative stands he's taking now. Refusing to support Wilson will damage conservative credibility within the Republican Party just at the time when the "correlation of forces" argues for a conservative tide. Conservatives should stop whining about Wilson's shortcomings and give positive reinforcement to his born again conservative campaign — and then hold him to it in Wilson II.

Yes, Pete Wilson is a social liberal and, yes, his first year tax and spend budget has made California's economic downturn worse. And yes, Pete Wilson waged a liberal jihad against conservative legislative candidates in 1992. For these and other good reasons, I supported Ron Unz in the primary to send Pete a message. He got it — and he acted. He vetoed the Domestic Partnership Bill, pushed three strikes, and there haven't been new state taxes or increases in the last two tough budget years.

And what if Brown wins? Kathleen Brown will sign Domestic Partners and a host of other anti-family horrors. Brown seeks to treat the "causes of crime" with new social spending and would echo the Clinton PC crew and their tax and spend priorities. Brown's term could do enormous damage to everything conservatives stand for. The danger is she's smarter than Billary and wouldn't give Republicans the backlash opportunity. And even if such a "backlash" strategy works, I'm unwilling to destroy California to save it.

Former San Diego Mayor Roger Hedgecock hosts "The Roger Hedgecock Show" on San Diego's KSDO radio (M-F, 12:20-3 pm) and is a commentator on KUSI-TV's "News at 10."

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— Roger Hedgecock

BEN MOREHEAD

Should conservatives vote for Pete Wilson?

No.

Even though I live and work in Washington, not California, I believe I may legitimately answer this question given all the talk of Wilson as a possible national candidate two years from now.

And from my perspective in the nation's capital, Pete Wilson looks an awful lot like George Bush.

The similarities between the two are uncanny.

Both did a handsome job of alienating conservatives, the powerplant of the Republican party.

Both fell for the old liberal ploy that the truth lies halfway between the truth and a lie (e.g., if taxes are at X, and liberals cry for 2X, then 1.5X must be reasonable.)

Both raised taxes and thrust their respective economies into recession. Both feinted right to deflect conservative primary challengers. And in the end Pete Wilson, like George Bush, will lose because conservatives will boycott him.

Principled conservatives owe fealty only to their principles, not to the Republican nominee-du-jour.

If bad policy is to be implemented, let liberals do the implementing. And don't be too sure liberal Democrats can govern more liberally — or even as liberally — as liberal Republicans can. Clinton's health scam united the GOP to defeat it.

Had a Republican president been pushing this program, we'd now have socialized medicine, just as California got a massive tax increase in 1991 because a Republican governor divided his party's opposition to it and rammed the thing through. Could a Kathleen Brown have done that?

I doubt it.

Wilson-style strong-arm tactics would only have solidified the opposition. But if she had succeeded, Democrats, not Republicans, would have carried the albatross of deepened recession into the 1992 elections. If we must suffer liberal policies, let the pain at least serve to discredit the party that actually supports them.

Ben Morehead is vice president of Marketing at Town Hall, Inc., a private forum on CompuServe jointly owned by The Heritage Foundation and National Review *magazine. The views expressed here are his own. He can be reached via CompuServe at 71603, 2037.*

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HUGH HEWITT

Of course conservatives should vote for Wilson. The folks muttering to themselves about Pete's imperfections probably grumbled through Goldwater's '64 campaign as well.

Look, Wilson has consistently championed the protection of citizens against criminals. He has launched and won major battles over spending with some of Sacramento's most entrenched partisans of an expanding government, including the CTA. Wilson's vetoed scores of obnoxious bills. He's appointed solid judges and a bunch of innovative folks in the agencies.

Am I 100 percent happy with the governor?

Of course not. I worked five years in the Reagan administration and thought the Gipper blew a few calls as well. So what?

It's the package — the whole package — that matters. Does Wilson read Burke late into the evening? I doubt it. Could he have relied more on a variety of conservative sources? Yes. But again, so what?

Wilson is running for a second term. The reason constitutions created second terms is to complete unfinished business. Governor Wilson has spent four years setting up the spike. It's coming.

How ironic it would be if the critics had their way, and a reshuffled Legislature began addressing California's chronic problems only to find Kathleen Brown down the hall with a veto.

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— Hugh Hewitt

And there's a bonus. The governor probably wants to be president. He's qualified, perhaps more so than any other known contender.

To win the nod, Wilson must take his center-right coalition a few degrees towards the conservative purists. Wilson must then use 1995 to prepare to win in Republican presidential primaries.

That promises the conservative purists a governing style and agenda that even they will cheer.

Hugh Hewitt is co-host of PBS Los Angeles affiliate's nightly news and public affairs show, Life & Times, and host of his own radio show Sunday night at 9 p.m. on KFI AM-640.

MANUEL S. KLAUSNER

Free market supporters should look enthusiastically at Richard Rider's candidacy. A vote for Rider is a vote that you can cast with pride — and you will still feel good the next morning!

The polls show Pete Wilson, in a dramatic turnaround, increasing his lead over Kathleen Brown after trailing her by more than 25 points. Many Democrats are turning their backs on Brown's lightweight candidacy, and it is unlikely that there will be a late surge for Brown that will make a close race in November. Thus, rather than holding your nose and wasting a vote for Wilson, my advice is to vote for Richard Rider for Governor.

Rider is the Libertarian Party candidate. He is committed to the principles of lower taxes and less government. In contrast to a Wilson vote, a vote for a Libertarian is an unambiguous message for getting the government out of our wallets and off our backs.

The public overwhelmingly sees government as inefficient and wasteful. Yet Wilson is out of step with the growing distrust for politicians and skepticism about governmental programs. He has supported massive tax increases, and he opposed Proposition 174, the Parental-Choice-In-Education Initiative.

Earlier this year, Rider supported Ron Unz, who received nearly 660,000 votes in the Republican primary. Unz effectively attacked Wilson's policies, and labeled him an "ideological cross-dresser" — a Democrat in disguise. Nearly 35 percent of Republicans voted for Unz, signaling their opposition to Wilson's big government, high-tax record.

Voting for a Republican is desirable when the party runs a principled candidate such as controller nominee Tom McClintock who is well-known for his outspoken opposition to Wilso"s massive 1991 tax increase.

But Unz supporters should see no reason to vote for Wilson simply because of his party label. If re-elected by a wide margin, Wilson stands to become a major contender in the race for the 1996 Republican nomination for president.

Those who support big-government candidates such as Wilson unavoidably bear responsibility for the consequences of their action.

Providing support to high-tax Republicans is no virtue.

Voting to reject big-government Republicans is no vice. If there ever were an election where it makes sense to express dissatisfaction with government as usual, this is it! Richard Rider for Governor!

Manuel S. Klausner is co-founding editor of Reason *magazine. And Chairman of the Libertarian Law Council.*

SHAWN STEEL

No less than Bruce Herschensohn wrote recently "...it is intolerable for me to think of Kathleen Brown as our governor." Bill Bennett says Pete Wilson's race is "key" for "Republicans across

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America." Jack Kemp argues we "must rally together for Wilson... or face disastrous consequences in 1996 and beyond."

Many conservatives disengaged in 1992 with George Bush. Mr. Bush's leadership was lacking and his campaign was badly managed, but it did not help for conservatives to play sour grapes and watch millions of conservatives drift into the Perot column. That kind of experimentation was insidious.

Now we see ambitious Clinton programs that just three years ago would have been unthinkable. Health nationalization might be stalled, but hundreds of other liberal programs, rammed through Congress, are now law. The federal government continues to intrude into personal lives on a greater scale than ever.Conservatives will vote for Wilson because there is no practical alternative. Let's review the major issues and talk about Kathleen Brown.

• Death Penalty — The death penalty aptly defines Brown's candidacy and provides the brightest contrast between Brown and Wilson. She reverently recalls a time when her father, as governor, commuted 26 death sentences. She originally opposed "One Strike, You're Out" legislation and has "problems" with three strikes reforms. Her anti-crime agenda embraces therapy, not punishment.

• Illegal Aliens — Brown opposed elimination of taxpayer-funded services for illegal aliens, opposed constitutional changes regarding citizenship (and the benefits it brings) automatically conferred on children of illegal aliens born in this country, and just announced her passionate opposition to Proposition 187 despite huge popular support even among Latinos.

Many conservatives disengaged in 1992. Mr. Bush's leadership was lacking...but it did not help for conservatives to play sour grapes and watch millions of conservatives drift into the Perot column.

— Shawn Steel

• Taxes — She is not much better on taxes, constantly attacking Proposition 13 and trying to revise it. She supports increased taxes on property, income, and sales. Brown and a Democrat Legislature would accelerate taxing beyond our imagination.

• Free Trade — Brown's waffling became embarrassingly clear during the NAFTA debate. Obviously pandering to labor unions, she flip-flopped and opposed NAFTA days before the vote by Congress. Along with Kathleen and her brother Jerry, only two governors opposed NAFTA.

• Wacky Environmentalism — Brown consistently supported Tom Hayden's "Big Green" initiative and embraces extreme environmental regulations that place animal rights above human rights.

• Judges — Since the Democrats lost the governor's office a dozen years ago, we have seen a 180-degree reform of the judiciary. Judges now tend to support property rights, are pro-death penalty and pro-criminal prosecution. A majority of the California Supreme Court, of California Courts of Appeal justices, and superior and municipal court judges are much more conservative. Probably no single gubernatorial power is more important than the right to appoint judges. Brown would bring back the bleeding heart, pro-criminal, ACLU lawyer types into power with a vengeance. Have you noticed Clinton's judicial appointments? Instead of dealing with one Rose Bird, there would be scores if not hundreds of similar judges under her tutelage.

• Political Appointments — Conservatives may not be happy with regulatory agencies, but under Wilson at least 50 percent of political commission appointments were eliminated. Under Brown, regulation would grow and political spoils would mushroom.

The question is not to weigh the benefits and costs of Wilson alone. We know his record. It is not perfect, but it is predictable. Weigh a Brown administration against a Wilson one. The vigor of the leftist policies pushed by Clinton surprised me — I never dreamed he would try to nationalize health care. Frankly, conservatives cannot begin to imagine the nightmares Brown could bring to California with the next eight years of our lives.

Shawn Steel is secretary of the California Lincoln Clubs and finance chairman of the Dana Rohrabacher for Congress Committee.

DAVID HOROWITZ

Should conservatives vote for Pete Wilson? Which is worse: An anti-conservative governor who is also leader of our own party or surren dering the state's top office to the socialist opposition? It's an old argument — I don't know the answer. I only know how to fight to win. I will fight for conservative principles with Wilson in office and fight to keep the Democrats out of office.

David Horowitz is president of the Center for the Study of Popular Culture.

JOSEPH FARAH

There's an old saying: "Fool me once, shame on you. Fool me twice, shame on me." That about summarizes why Governor Pete Wilson will not get my vote for re-election this November. He has fooled the California electorate too many times by occasionally (usually around election time) masquerading as something he's not — a conservative.

Lots of people — good, honest, well-meaning conservatives

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— got hoodwinked into voting for Wilson in 1990. Remember the line four years ago? We were told we needed to hold our noses and vote for Wilson because only a Republican governor could ensure a fair reapportionment of congressional districts. Today, the attempted extortion of our votes is solely based on fear-mongering about how bad Kathleen Brown will be if she's elected.

Could she really be that bad? Probably. But it's doubtful she could be much worse than Pete Wilson. It's doubtful anyone could be. And, at least, with Kathleen and Willie Brown running the show, there won't be any doubt about who is responsible when things inevitably get worse. That's an important consideration. Voters need to understand the bankruptcy of liberalism and hold accountable those responsible for implementing it. Politicians like Wilson only serve to confuse the issue and give Republicans a bad name.

It's funny, though, at the same time Wilson is predicting doom and gloom if Kathleen Brown gets her hands on real power, he's also been complaining publicly that she has been staking out positions just like his.

Wake up, Pete! The reality is that Kathleen Brown has been running a fairly conventional liberal campaign — so conventional and so liberal that she has blown a once seemingly insurmountable 25-point lead in the polls. If she had done what most observers expected her to do, run to the right of Wilson (and, Lord knows, there was plenty of room over there), chances are she would be coasting to victory. So, governor, if Kathleen Brown's positions on the issues mimic your own, there's a reason for that. You're a liberal, too!

It's funny... at the same time Wilson is predicting doom and gloom if Kathleen Brown gets her hands on real power, he's also been complaining publicly that she has been staking out positions just like his.

— Joseph Farah

Am I exaggerating? Just check out Wilson's own record over the last four years:

- He pushed through the largest tax increase in the history of any state in 1991.
- He supported the shift of $2.3 billion in local property tax money to the state in 1993.
- Even though he vetoed the domestic partners bill, he earlier signed major legislation offering special legal protections for people based on their sexual lifestyles.
- He dramatically increased funding for the Office of Family Planning, the state's own little piggy bank for Planned Parenthood and other population-control extremists.
- He teamed up with Willie Brown in support of the permanent sales tax increase, tricking the public into believing they were supporting law enforcement.
- He has placed far-out, tree-hugging nature-worshippers in key regulatory roles, chasing old businesses out of state and shutting down job-creating entrepreneurs before they ever get started.
- He has signed anti-gun legislation, asset forfeiture laws, higher property taxes, higher corporate taxes, higher gasoline taxes, higher estate taxes, new snack taxes, new newspaper taxes and higher motor vehicle registration fees. He has also supported massive bond measures.

Now would things have been any better if Dianne Feinstein had been elected governor in 1990? Remarkably, as awful as Feinstein is, the answer is probably yes. Why?

Had a Democrat been occupying the governor's seat for the last four years, it is safe to assume that the Republican minority in the Legislature would have galvanized its opposition to pork-laden state budgets. Instead, Wilson has consistently undercut Republicans in the Assembly and Senate by supporting unconscionable state budget increases during California's worst recession ever. That's one reason why even Kathleen Brown would be preferable to another term of Wilson.

So, am I advocating a vote for Brown? No way. That would only be validating the bad choices the two major parties have given us. Instead, I plan to vote for the Libertarian Party candidate, Richard Rider, and urge all conservatives — Democrats or Republicans — to do the same.

Rider is not some nut. He's not a fringe character. To prove the point, before the primary election, he selflessly urged his own supporters to vote for conservative Republican Ron Unz, even though Rider himself was on the ballot. A stockbroker and financial planner with a degree in economics, Rider is a retired Navy Reserve Supply Corps commander and Vietnam veteran.

Unlike most Libertarian candidates before him, he's running full-time and has even embarked on a modest television ad campaign. In other words, he could be the straw that breaks Wilson's back.

And there's another very good reason why conservatives should be looking for just such an opportunity. Should Wilson be re- elected, he becomes the odds-on favorite for the Republican presidential nomination in 1996. Scary? Hard to believe?

Yes, it is for those of us who have lived in California under the leadership of this unprincipled, egotistical, amoral Clintonesque character for the past four years. But, remember, the field will be crowded, and many in the Wilson camp

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are already eagerly planning to do for the nation what they have done for California.

God forbid!

Joseph Farah is editor and publisher of Inside California, *the monthly state political newsletter, and* Dispatches, *the bi-weekly cultural and media watchdog publication.*

HOWARD KLEIN

Pete Wilson is not my type of Republican. My charter membership on the "UNZseat Pete" team is testimony to my sentiments. I need not provide a bill of particulars of my grievances against our governor. Read the other contributions to this piece, and you'll know where I, like other conservatives, part company with him.

Many conservatives will, nevertheless, vote for Mr. Wilson, for one of two reasons: loyalty to the Republican Party, or resignation to the perceived need to vote in this election (as in all too many others) for the lesser of two evils.

Nevertheless, a sizable number of committed conservatives may still consider a vote for Mr. Wilson betrayal of their ideals, and deem a Wilson victory a soporific for the Republican Party.

While such sentiments are understandable (even laudable), I would ask those who hold them to consider another reason for a pro-Wilson vote, a reason that can be summed up in two words: Rose Bird.

The most recent Democrat to occupy the governor's seat wreaked pure havoc with our state's judiciary, appointing judges primarily on the basis of their commitment to liberal orthodoxy and, secondarily, on the basis of fulfilling an ill-defined (and ill-conceived) formula for "diversity."

The most recent Democrat to occupy the governor's seat wreaked pure havoc with our state's judiciary appointing judges primarily on the basis of their commitment to liberal orthodoxy, and to fulfill an ill-defined formula for "diversity."

— Howard Klein

The result was a judiciary heavily infiltrated by ideologically-driven mediocrities, led by Chief Justice Rose Bird and her fellow Jerry Brown appointees who turned the Supreme Court into a legislature of last resort. It took a very expensive campaign (using funds that could have been used to gain legislative seats) to remove the Bird faction from the Supreme Court.

And yet, even a dozen years after Kathleen Brown's brother appointed his last judge, his legacy survives in the form of warped precedent, and a substantial remnant of liberal fifth columnists within the judicial ranks.

Kathleen Brown has tried to distance herself from her brother. But it is more than likely that her judicial appointments will resume the pattern he set. There is a huge, pent-up demand among her backers for the appointment of liberal Democrat judges, after 12 years of being shut out of the judiciary. It would take a superhuman effort for Kathleen Brown, as governor, to resist such pressures. In addition, Ms. Brown has displayed an alarming affinity for the ideology of "diversity." As a devotee of this noxious nostrum she is likely to redouble her brother's efforts to appoint judges on the basis of such extraneous criteria as ancestry, gender, and sexual proclivity.

Pete Wilson, on the other hand, has continued the practice of his immediate predecessor, George Deukmejian, of appointing judges on the basis of talent, experience, and commitment to judicial restraint.

The result is a competent, non-politicized judiciary that is slowly but surely undoing at least the more extreme results of the Bird era's judicial activism.

The judiciary has become an ideological battleground, involving issues that sharply divide Left and Right, such as the scope of property rights; the apportionment of accountability for criminal behavior between the criminal and society; the scope of governmental power to alter private contracts; and whether, and to what extent, fault, rather than ability to pay, should remain the primary basis for tort liability. Judicial decisions involving these (and other) issues have effects and repercussions that are often profound, wide-reaching, and enduring.

By consistently appointing judges who have a thorough knowledge of the law, a balanced view of the legal issues, and a proper perspective of the role of the judiciary, Pete Wilson has had, and should continue to have, an impact that can only be applauded by conservatives.

Judicial restraint, respect for individual rights (particularly property rights), the integrity of contracts, and the proper apportionment of fault and responsibility in civil and criminal cases, are all vital conservative principles.

Replacing Pete Wilson with Kathleen Brown would inevitably bring about a severe erosion of these principles. If we, as conservatives, help bring such an outcome about, we (and our children) will live to regret it.

Howard Klein, a California Republican Party Central Committee member, served as legal counsel to the Unz for Governor and the Herschensohn for Senate campaigns.

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The following correspondence was found in the personal papers of a retired U.S.Senator from Arizona after his death in 1998:

BMG

Dearest H.,

Almost 30 years have gone by, and nobody suspects a thing! The strength of your determination still astonishes me. I never dreamed that the fiery "Goldwater" girl who visited me in my Chicago hotel room a couple of weeks after my landslide defeat in 1964 was serious. After all, when a teenage girl swears to go underground and dedicate the rest of her life to destroying American Liberalism and the Democratic Party, but from within, a crusty old politician like me assumes it's a passing phase.. I'd certainly forgotten our conversation within a few weeks, though I was charmed by your spirited support.

How wrong I was. When I got your letter shortly after your husband was elected Attorney General of Arkansas in '76, your name meant absolutely nothing to me. As an old male chauvinist, how could I reject a lunch request from a lady, even one who mentioned she was visiting Arizona to attend an ACLU conference. When we sat down, and you explained who you were and what you'd been doing over the previous 10 years, I thought you'd escaped from the looney bin. But then you showed it all to me, your pages of notes, your secret diary, your strategy outline, all perfectly authentic. The boldness of your plan floored me. If even just a few of our intelligence agents had been of your caliber, those damn commies in 'Nam would never have stood a chance.

Imagine, "converting" to the Left at Wellesley, having your consciousness raised, learning to dress Left, act Left, talk Left, even think Left, all as a cover. Learning your lessons so well, you not only became a solid member of those college pinkos, but one of the leaders, student body president and a key figure at college conferences. With the contacts you made at those conferences you were able to evaluate which of those college leftist had the greatest political potential. You even slept with bums you personally and politically detested ever searching for the man to be your future insturment. Mata Hari has nothing on you.

And then you finally found him. As you've told me so many times since, he was a complete boob, an empty windbag, a politician to the core, with no goals except fame, women, and the good graces of his trendy-leftist social set. He was perfect: a Rhodes Scholar, but not a very smart guy, and he came from the tiny state of Arkansas, where it would be easy to launch a political career. He was an anti-war activist — but not an extreme one — a soft compliant fellow, who would always recognize that you were far more intelligent and knowledgeable, and who would willingly let himself be molded like putty in your hands. Even before you were married, while he was at Oxford, you persuaded him to "maintain his future political viability" by risking the draft lottery. You always emphasized to him his great political potential, and how important it would be for him to make the "right" friends among the other Rhodes Scholars.

Then later, after marriage and Yale Law School (where you diligently helped the blockhead in his coursework), the efforts you had to make to get him to move back to Arkansas, and re-establish his country-boy roots, so necessary for the political future you were planning. He'd have been perfectly content to spend the rest of his life seducing co-eds as a second-rate law lecturer at the lower rungs of the Ivy League. And the media thinks that you followed him back to Arkansas!

After that it was all like clockwork. Local boy who made good in the Big City gets interested in local politics, then becomes state Attorney General, then became one of the youngest governors in American history, and finally begins to build a national following. And all that time, you turned a blind-eye to his heavy womanizing, though you kept those photos around just in case he ever tried to slip the leash. Not that he would try — he knew you were aiming at the White House, though he never dreamed of your true motives.

I do remember, though, back at one of our annual private dinners, in '86 I think, you almost decided to call it quits on the whole game, dump the draft-dodging adulterous airhead you so much detested, and find a man you could truly love and respect

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before you became too old to have another child. Reagan was riding high then, and it looked like all your efforts hadn't really been necessary after all. You told me that if the Republicans managed to keep the Senate in the fall, and Reagan got one more solid seat on the Supreme Court, you'd finally be able to come in out of the cold, but until that time you'd hold yourself in reserve, just in case. Then came the Democratic Senate victories in November, Reagan's crippling by Iran-Contra, and Bork's defeat at the hands of Norman Lear. With each furtive phone call, I could hear you choke back your tears as you realized that you had only one choice.

Afterward came the darkest days, as that imbecile Bush did his bumbling best to undo Reagan's conservative legacy. You'd already primed your boob for a presidential run by pulling Hollywood strings to get him the Democratic convention keynote speech in 1988 — an opportunity he typically flubbed. Then you cultivated every Party interest group to clear his way for 1992. I remember your hysteria when the draft-dodging and Genifer Flowers stories leaked out before his election (rather than afterward as you'd planned). It looked like decades of your life had been spent in vain. But the Media and the Hollywood money crowd saved you as you'd always hoped they would, and on November 3rd, your life's plans entered their final phase.

If only your Hollywood left-liberal friends could have understood the irony of it. They'd given their all to elect a man whose apparent status as a Southern moderate actually masked a hard-left liberal agenda as they well knew. But they never dreamed that the left-liberal agenda, in turn, had been carefully crafted over three decades by one of the most subtle and brilliant women in American history, whose own true views had never strayed one inch left of their youthful Goldwaterism. None of the screenwriters would have dared write a script based on such an idea; no one would have believed it.

And still they don't suspect you! After the election, when all the pundits agreed the incoming administration had to nail down its support among blue-collar "God and Country" Reagan Democrats, the first issues you emphasized were filling your cabinet by racial quota and putting gays in the military, eliminating any chance of Reagan Democrat support. Later on, you announced the possibility of a massive new national sales tax on April 15th. You arranged for Christophe of Beverly Hills to give your vain boob a $200 haircut while tying up one of America's busiest airports. From the beginning, you did everything you could to alienate and anger the national media which had been so helpful during the campaign, and you've made the worst elements of the sybaritic Hollywood Left virtual members of the White House staff. And all along the way, you continually worked to make yourself the most hated figure in American public life, so that when the Democratic Party is annihilated at the polls in 1994, the people will be voting against you through them. Your knowledge of history and human psychology is flawless: Marie Antoinette of France, the Empress Alexandra of Russia, the Dowager Empress, and Jiang Ching in China, and most recently Edith Cresson in Mitterand's government — a hated female consort is the ideal triggering mechanism for a populist revolt.

In five months, you had done more damage to the Democratic Party than Reagan did in eight years, and no one even connects this pattern of events to your youth on the Right, working on my campaign. When the truth eventually comes out, you will be recognized as the greatest Goldwaterite in history, including me, and I'm the man himself.

And they say that one individual can't change history.

Yours in Deepest Admiration,
G.

Written by Ron K. Unz, who received 34 percent of the Republican vote for governor in California's June primary against Pete Wilson. Unz is president of Wall Street Analytics, Inc., a Palo Alto-based financial services software company.

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Just What the BUREAUCRAT Ordered

PROPOSITION 186'S "SINGLE-PAYER" PLAN ONE-UPS THE CLINTON ADMINISTRATION'S OWN ATTEMPT TO OVERHAUL OUR MEDICAL SYSTEM. THE LEVIATHAN COMETH THIS ELECTION YEAR AND IF CALIFORNIANS DON'T BEWARE THE RESULT COULD BE NOTHING BUT DISASTER.

BY K.L. BILLINGSLEY

ONE MILLION SIGNATURES PLACED IT ON THE NOVEMBER 8 ballot, but Proposition 186 has received remarkably little publicity. Polls showed that, as of September 18, only one in three voters had even heard of the measure, which would radically alter this state forever.

The California Health Security Act, the proposition's official title, comes complete with the euphemism du

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jour, "single payer." This is what its promoters say instead of "government health care," and let there be no mistake: this initiative is statism on steroids, but tarted up in medical garb and soothing phrases, like nurse Ratchet who tormented Jack Nicholson in *One Flew Over the Cuckoo's Nest.*

If passed, Proposition 186 will create the fourth-largest health-care system in the world, surpassed only by those of France, Japan, and Germany, abolish private insurance, and set up a de-facto health dictatorship. It would also bilk the state of 300,000 jobs, triple the California budget, and incur a deficit of more than $30 billion. But before dissecting its features, one should note where this bloated fraud comes from.

The measure provides allowance for anyone "unable because of his or her physical or mental condition to document eligibility," a phrase full of the trap doors and escape hatches.

THE USUAL SUSPECTS

The prime mover of 186 is Neighbor-to-Neighbor, one of a number of left-wing activist groups founded during the 1980s to combat U.S. policy in Central America and to serve as a stateside public-relations agency for Salvadoran communist guerrillas and other squads of Stalinist savages. Rejected by Central Americans and defunded by the demise of the USSR, the Marxists have been quietly evaporating, leaving their American backers to find a new utopian cause.

With the dawn of the Clinton Era, they picked health care, but then found Mr. Bill's approach insufficiently radical for them. "Our hope is to provide ballast to the left of Clinton," says Neighbor-to-Neighbor Executive Director Glen Schneider.

Other 186 supporters include the usual special-interest suspects from labor and the religious left, along with the California Teachers Association, the state's richest and most powerful political lobby.

The League of Woman Voters supports 186, maintaining its record of support for higher taxes and increased spending. A New York-based hospital workers union even kicked in $25,000, which helped the promoters hire professional petition signature gatherers.

As the late Eric Hoffer noted, political movements can survive without a god, but not without a devil. Anti-insurance demonology is what fuels Proposition 186. "If we cut out the insurance industry," runs Schneider's vintage leftist incantation, "there will be plenty of money for everybody." From such faulty diagnoses faulty solutions emerge.

"Single-payer has been portrayed as Big Government," says Neighbor-to-Neighbor's Donald Cohen, "but it is a very free-market, pro-competition system." This is tantamount to characterizing HUD, the Coastal Commission, and Cuba's "single-payer" medical system like as "free market." It's kind of like a lie.

This measure would create the Office of State Health headed by a health "commissioner," initially appointed by the governor but then elected every four years. Some have dubbed this official the "Health Czar," but dictator would be more appropriate. An exaggeration? Let the bill speak for itself:

"The Commissioner's powers [it reads] include any and all powers necessary and proper to implement this Act, and to promote its underlying aims and purposes. These broad powers include, but are not limited to, the power to set rates and promulgate generally binding regulation on any and all matters relating to the implementation of this Act and its purposes."

Few officials enjoy such a sweeping mandate, with such vast potential for abuse. The Commissioner will set budgets, define the covered procedures, and approve capital improvements. But there's more.

"In the event that cost control is required by Section 25150, subdivision (b), the Commissioner may request that the Legislature increase appropriations for the Health Security System." Further, "the Commissioner may request the Legislature to increase Health Security System funding either by increasing tax rates on the sources described or from other sources of revenue."

In effect, he's a Tax Commissar too, but he's not working alone. There will be a Health Care Advisory Board to manage regional administrators and regional consumer advocates.

There will also be a Consumer Council to "represent and promote the interests of health-care consumers as a class before the Commissioner" and funded with "voluntary membership fees of at least $10."

COVERAGE FOR EVERYONE — AND HIS SISTER

This administrative axis will decide what kind of medical care Californians receive. One clause excludes items and services "not reasonable and necessary," according to the Commissioner, who is so wise that he knows what is reasonable and necessary better than the patients themselves and their doctors. When it comes to a difference of opinion, his view will prevail, not the patient's.

"Medically appropriate" says 186, "means all health care services and procedures chosen by the patient's health care provider subject to the guidelines established by the Commissioner based on the recommendation of the Advisory Board." Notice that it's the patient's provider, not the patient himself, who chooses, with the choice governed by the official guidelines.

And will it be just Californians who are covered? The measure provides allowance for anyone "unable because of his or her physical or mental condition to document eligibility," a phrase full of the trap doors and escape hatches that welfare

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activists and lawyers may depend on to make a good living.

What sort of benefits?

They include: "long-term care, mental health care, and some dental services." Those are some big-ticket items, with mental health normally including drunks and junkies as people to be treated.

Illegal immigrants and their domestic support groups, experienced in taking MediCal for plenty, will find this system a pushover. And if we build it, they will come. With waste and fraud built into the system, costs will skyrocket.

OUT OF CONTROL COSTS

Imagine a system in which, say, you buy groceries but don't pay at the checkout. Instead, the grocer sends the bill to your employer, who sends the bill to the government, which pays it without question. Under such conditions prices would surely rise, and yet, promoters lead Californians to believe that no new costs are on their way.

All the wonderful benefits come "for the same amount of money currently spent on health care in California." In fact, says the measure, "enormous savings will be achieved."

Doctors Kevin Grumbach and Thomas Bodenheimer, two of the measures' key pitchmen, predict that 186 will bring California a $4.4 billion state budget surplus in 1996. Unfortunately, government programs always cost more than projected, as a glance at Social Security and MediCare will confirm. Proposition 186 provides for a payroll tax with a top rate of 8.9 percent.

According to some estimates, the system will require $54 billion in new taxes, more than $1500 from every Californian on average. The Graduate School of Public Policy at UC Berkeley estimates that 186 would add $12.5 billion to the state deficit in its first year, leading to a $34 billion deficit in 1998.

The promoters of Proposition 186 say they are certain Californians will like the Health Security Act, even though the measure contains a tacit admission that they won't.

LIKE THE CLINTON PLAN — ONLY WORSE

Like the Clinton plan, 186 provides for fines, suspension, and exclusion from the system for those public enemies who stray from the Wise Path of the Commissioner. It's a love-it-or-leave-it deal. Technically, if you get turned down for that quadruple bypass, you could go to Mexico or Belize.

The Health Security Act is also a public employee union recruiting tool. It will make everyone working in health care a government employee and encourage them to unionize. As a look toward Canada or England confirms, striking doctors and nurses are quite capable of ignoring human suffering to pursue their own greed.

One can get a vision of 186's scope by picturing a measure that eliminated the automobile repair industry. Like all statist solutions, the plan founders on Hayek's knowledge problem.

You have seen the future, and it irks. The system is a coup d'etat that will restrict choice, quash technology, slaughter budgets, kill jobs, and condemn Californians to wait for vital services.

No Commissioner, even with the intellect of Einstein, the compassion of Mother Teresa and the energy of the Wright brothers, can possibly possess the knowledge and moral detachment to run such a huge system in a way that respects individual rights and freedoms.

And as the doctors' absurd prediction of a budget surplus shows, skill in removing gall stones does not transfer to expertise in economics or administration.

Imagine Everett Koop or Joycelyn Elders actually running a health-care system.

You have seen the future, and it irks.

The system is a coup d'etat that will restrict choice, quash technology, slaughter budgets, kill jobs, and condemn Californians to wait for vital services.

Experts agree that excess fat is bad for individuals. That also holds true for societies. Economically crippled California is a lard-laden welfare state already freighted with parasitic bureaucracies to the point that it was handing out IOUs in lieu of pay only a few years ago. As its promoters say, the "single payer" plan is indeed "ballast."

It amounts to telling an unemployed woman with an overdrawn bank account and a weight problem to borrow still more money in order to gorge herself with pizza and chocolate shakes.

NOT A DONE DEAL

Currently, if you get health care through your employer it is a tax-free benefit. If you are self-employed you have to buy it with after-tax dollars. Neither Hillary Clinton nor the promoters of 186 are willing to address that gross injustice. Instead they prescribe more of the disease, third-party spending by the government. The hard reality is that there can be no meaningful health-care reform until consumers are spending their own money in a free marketplace.

Fortunately, California is still a democracy and Proposition 186 is an offer you can refuse. Voters rejected a coercive "pay or play" health scheme two years ago and last election nixed every bond issue, including the gargantuan Proposition 180.

If Californians break their string of good judgment and approve this massive swindle they deserve everything they get.

K.L. Billingsley is a media fellow of the Pacific Research Institute in San Francisco and author of From Mainline to Sideline.

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CLAS DISMISSED

How Evaluating the Reasoning Ability of California's School Children Turned into a Battleground of the Culture War

Pete Wilson's recent veto of legislation re-authorizing "CLAS" (California Learning Assessment System) tests culminated three years that demonstrated how wide the chasm has grown separating parents' views on public education from those of the education establishment. From its 1991 inception, CLAS was designed to evaluate public education's success — as defined by the establishment. That the establishment's definition differs radically from "success" as many parents understand it was demonstrated by the controversy last spring surrounding

BY MIKE ANTONUCCI

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CLAS — one that provoked scores of lawsuits, street protests, national media attention, a budget freeze, and eventually a veto.

Perhaps surprisingly, CLAS began in 1991 with a straightforward, noncontroversial piece of legislation, SB 662, authored by state Senate Education Committee chairman, Democrat Gary Hart. By 1991, a consensus had grown that California Assessment Program (CAP) tests — machine-scored, multiple-choice exams that failed to evaluate a student's comprehension, reasoning, and writing abilities — were inadequate.

Senator Hart's legislation was intended to create a test to determine whether kids could understand what they read well enough to compose coherent essay-length answers to relevant questions about it, not only in "language arts," but also in mathematics, science, and social studies. The promise of more rigorous standards garnered bipartisan support in the Legislature and, perhaps more importantly, at the California Teachers Association. "The California Learning Assessment System is almost exactly what CTA has been urging for more than a decade," said CTA President Del Weber.

Armed with a $9.3 million appropriation for 1992, $14.8 million for 1993, and $25.9 million for 1994, the state Department of Education launched CLAS.

Parents were naturally upset that some teacher or education bureaucrat might be poring over their children's tests looking for evidence against them.

CLAS DESIGN AND IMPLEMENTATION

A standard Department of Education framework for developing tests was used in designing CLAS: advisory committees developed a general blueprint for the topics to be covered, development teams then generated the exam itself, and "balanced treatment review panels" were established to trouble-shoot for bias in readings and test questions. The CLAS advisory committees were to include administrators and members of the public, and, indeed, the general framework introduced by these committees was more balanced than the tests ultimately generated by the development teams.

For example, the science advisory committee recommended in November 1993 that the exam consist of 40 percent performance tasks (essay answers, for instance, as opposed to fill-in-the-blank), 35 percent open-ended and justified multiple-choice questions, and 25 percent multiple choice questions. The actual exam, drawn up by the CLAS "development teams" and administered in the spring of 1994, had 70 percent performance tasks, 10 percent justified multiple-choice questions, and 20 percent multiple-choice questions. In its final version, that is, the test required far more subjectivity in scoring than the science advisory committee had recommended.

The make-up of these "development teams" helps explain CLAS's eventual configuration — approximately 98 percent of the team members belonged to the California Teachers Association, even though the Department claimed its teams would broadly reflect the ethnic, cultural, geographic, and gender balance of California's population.

CLAS CONTENT

There were 97 different CLAS exams, but all adhered to the same general format. CLAS tested students in four discipline areas: language arts, mathematics, science, and social sciences. The youngest students took the language arts tests; others were added as students grew older.

CLAS fulfilled its mission in one regard — it did not resemble CAP. The tests contain essays on the politically correct issues of the day: racial discrimination, recycling, gun control, non-traditional marriage, etc. Children are presented with a simplistic version of a complicated issue and instructed to write down their feelings. They are not advised to think critically about what they have read. The test has a group exercise. Students are encouraged to copy answers from each other and come to a group consensus.

Writing problems are framed as exercises in political action. Write to Governor Wilson about saving landfill space. Write a letter to the editor about ending discrimination in America. If anything, the tests resemble an issue of the monthly organ of the teachers' union, *CTA Action*, which gives CTA members similar advice every month.

Though state officials long maintained that no copies of CLAS tests had "fallen into unauthorized hands," they were wrong. By early May 1994, copies of some of the language arts exams were in the hands of (among others) state Senator Bill Leonard — and me.

The first section of the language arts exam is Reading. The selection on the test in my possession is a piece entitled "To the Gold Mountain," originally published in *Cobblestone* magazine. The story concerns Chinese immigration to the United States and details the discrimination faced by Chinese laborers in the Old West. As noted earlier, many CLAS reading selections deal with racial discrimination. To be fair, the article also describes how high taxes in China drove people to emigrate.

Following the article, students are asked for their first reaction to the selection. They are told to choose a new title and explain their choice. They then must choose important statements from the reading. So far, so good. The silliness begins with question 4:

> The writer explains that so many young Chinese men were anxious to leave China and go to California. If you could look inside the mind of one of these young Chinese men at that time, what thoughts do you think you would see? An 'open mind' is an outline of a head that lets you show what

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a person may be thinking and feeling. In the 'open mind' below, use symbols, images, or words to show what you think was in the mind of one of the young Chinese men as he stepped off the boat in San Francisco.

The final reading question raised "invasion of privacy" flags, mostly on tests with questions dealing with abuse or family strife. "This is your page to tell anything else about your understanding of the story — what it means to you and what it makes you think about in your own life." The scoring guidelines require examiners to send state officials "any essays containing information about sensitive issues, such as child abuse, threat of suicide and violence... The appropriate child protective agency and/or school district or school site personnel will be notified about the sensitive issue presented in the assessment."

As the CLAS exams were administered in the 1993-94 school year and individual tests were leaked, students and parents began to raise questions about their political bias, the potential for invasion of privacy they contained, and their usefulness as a test of abilities. Parents were naturally upset that some teacher or education bureaucrat might be poring over their children's tests looking for evidence against them. Many parents also wondered what good was served by Section Two of CLAS, the Group Exercise: "In your group, talk about the story you read. How does your group feel about the treatment the Chinese received from the Americans? Below write what your group thinks."

"Group work," wrote John Slayton, an El Monte City school teacher, in the *Sacramento Bee*, "makes no sense at all on a test that is supposed to return individual scores. The group activities were placed in the test because the authors supposed that classes which have based instruction on cooperative learning will score higher than other classes. The intent here is to evaluate the teachers' methods ...." Such evaluation ignores student achievement and is designed only to determine which teachers are employing classroom techniques officially considered "progressive."

Readers might be shocked to learn that CLAS scores for writing were weighted 85 percent for "rhetorical effectiveness" and 15 percent for "writing conventions." That is, getting your point across is nearly six times more important than proper spelling, grammar, punctuation, and sentence construction.

CLAS SCORING

CLAS scoring procedures provided a variety of problems. For instance, they employed a six-point "performance level" (PL) scale that rated students from 6 ("often exceeds expectations") down to 1 ("understanding of only a word, phrase, or title"). A three-member panel of statistics experts appointed by acting schools Superintendent William D. Dawson to study CLAS scoring advised that these PL scores are not comparable from year to year, or even from test to test.

"It does seem that the public will be badly served if the meaning of the PL scale is not roughly constant across areas," the report dryly notes. These experts caution that "Any teacher who compares or ranks students on the basis of PL values is likely to go astray."

In another novel departure, CLAS was designed to provide score comparisons not by school, district, or county, but by "comparison group." A school's performance results would be compared with that of 100 other schools possessing similar demographic factors such as socioeconomic status, student mobility, percentage of students with limited English proficiency, and percentage of students receiving Aid to Families with Dependent Children. Schools in poor neighborhoods were *only* to be compared with schools in other poor neighborhoods. Unfortunately, in the job market these kids will have to compete with everyone; not just applicants from similar backgrounds.

A third point — normally, students who hand in blank tests, doodle, answer in a language other than English, or respond irrelevantly receive the lowest score. CLAS scorers, however, simply left these tests out of their calculations, thereby inflating school scores. "If the students who failed utterly to answer the question had been placed at the lowest PL, some school distributions would properly have been shifted downward," according to the statistical experts' report.

Readers might be shocked to learn that CLAS scores for writing were weighted 85 percent for "rhetorical effectiveness" and 15 percent for "writing conventions." That is, getting your point across is nearly six times more important than proper spelling, grammar, punctuation, and sentence construction. In addition, scoring was rounded to the nearest whole number thus virtually eliminating consideration of writing conventions entirely. A crying baby may be "rhetorically effective," but can hardly be considered competent in "language arts" — except under CLAS. Senator Hart told *Education Beat* that the state Department of Education did not follow the intent of his CLAS legislation, which did not, of course, seek to eliminate traditional testing of computational skills, grammar, and writing.

One final curiosity surfaced to destroy completely all pretense that CLAS scores had objective meaning. Early this year, both education officials and the media reported that 1 million CLAS tests had been scored by 2,000 "specially trained" teachers during the summer of 1993. Each test requires two scorers. That's 1,000 tests per teacher. Teachers who scored tests in northern California claim scorers spent two to three minutes

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on each test, after 30 minutes training on the rubric. "By the end of the day, our brains were leaking," one teacher told me. No effort was made to prevent teachers from colluding on scores or to detect if teachers were scoring tests from their own districts, their own schools, or even their own classes.

The CLAS teams put together a test specifically designed to generate higher scores for schools and districts that featured a form of outcome-based instruction. So-called "outcome-based education" rests on the assumption that objective standards for, say, correct spelling, or grammar, or more or less anything else, are illusory. All that actually *does* exist, all that's "real," is each student's self-image, his self-esteem.

Thus, the "outcome" to be concerned about is not some "artificial" competence in what they consider make-believe absolutes (such as correct spelling), but whether or not the student feels good about himself, his life, and so forth. Ironically, this approach ends up ignoring education's true "output" — what the student knows at graduation — and concentrates, as a practical matter, almost entirely on educational process and teaching technique, always wary to avoid anything that might dampen students' self-esteem.

Schools that *do* emphasize spelling, grammar, arithmetic drilling, and absorption of facts, on the other hand, found these elements were *not scored on the tests*. The committee of statistics experts who examined CLAS scoring procedures agreed: "CLAS tasks are intended to measure the kinds of classroom exercises that leaders of the profession are advising teachers to use ...." They further concluded that the Department's plan to control sampling error "rested on judgment and not on a scientific rationale."

Acting schools chief Dawson pooh-poohed all this. "CLAS has certainly experienced significant problems in the first two years," he said. "That is the nature of such massive, bold, ground-breaking endeavors."

REACTION AND COUNTER-REACTION

The more people learned about the tests, the angrier they became. The state Department of Education's attempt to stonewall critics of CLAS by refusing to release any tests to the public only sent up warning flares. Even legislators could not see the test their votes had created (including, strangely enough, Senator Gary Hart). Parents responded by organizing street protests. "CLAS doesn't work and it wastes tens of millions of dollars," said Joseph Carrabino, former president of the California State Board of Education. "CLAS does not measure critical thinking. Instead, CLAS attempts to measure critical feelings and thereby invades the privacy of students and their families." Ted Bartell, San Juan Unified School District board member and an executive with American College Testing, said "I would contend that these are not tests of reasoning ability, nor are they tests of comprehension. They are tests of creativity."

CLAS supporters responded by demonizing the opposition. State education officials dismissed the protests, calling the organizers tools of the religious right and steadfastly refusing to prove the charges wrong by releasing the test. Jean Hessburg, of Norman Lear's People for the American Way, charged that "This has all along been about the efforts of the religious right to undermine public education rather than just about the CLAS test itself."

But CLAS support was crumbling. The *Los Angeles Times* eventually published sample questions and exercises. The Rutherford Institute filed lawsuits claiming the tests violated students' constitutional right to privacy. Six school districts refused to administer the test and were sued by the state.

Criticism of CLAS began coming from an unexpected source as well. Aware that a political disaster was imminent, CTA cut bait and began slamming the test with ardor.

ET TU, DEL?

And criticism of CLAS began coming from an unexpected source as well. Aware that a political disaster was imminent, CTA cut bait and began slamming the test with ardor. In a letter to Dawson, reprinted earlier this year in *CTA Action*, union president Del Weber told the schools chief: "If the department officials responsible for administering, scoring and reporting the results of last year's California Learning Assessment System 'tests' had set out deliberately to undermine or sabotage the program, they could not have done a more thorough job than they achieved by their clumsy insensitivity and appalling incompetence ...."

But Weber cannot lay the full blame for the CLAS fiasco on the Education Department. Writing in CTA Action (last spring) Weber himself admitted that "CTA was instrumental in pushing for and then in designing the California Learning Assessment System .... The [test designing task force] adopted nearly all of the CTA recommendations .... The parts of the assessment system were then prepared with significant teacher involvement. They were administered by teachers, and finally, read and evaluated by teachers." CLAS, that is, is what CTA wanted all along. It was not "bungled." What the union failed to anticipate was the resistance that developed.

CLAS was a product of an outcome-based system. All along the way, test designers and bureaucrats were overwhelmingly concerned with educational process — trendy techniques designed to build self-esteem while largely ignoring genuine learning. They viewed their "customers" — school children and their parents — as not only irrelevant to their plans, but as obstacles.

Children are not children forever. They grow into adults and (usually) have to provide for themselves. CLAS tells them that if they get along with their peers and "feel the correct way," they can succeed in life without knowing how to spell, construct sentences, multiply without a calculator and, most importantly, question whether there is something other than "the correct way." To those who feel these fundamental facets of education are no longer relevant, ask yourself this question: "Would you drive across an outcome-based bridge?" That is where CLAS was taking California.

Mike Antonucci is editor of The Right Mind.

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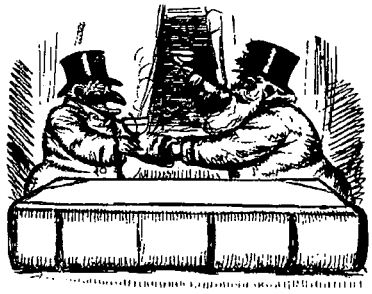

CRITICUS

Obiter Dicta

BY G.B. TENNYSON

It had long been my belief that most people had a somewhat mistaken notion of the meaning of the term *obiter dicta*. I thought they thought it meant something like "pronouncements," even magisterial opinions or decrees delivered from a seat of authority.

Of course there is no scientific way of ascertaining what most people think an expression means, short of professionally and expensively polling them, so I simply conducted an informal canvass, stopping one of three or thereabouts to ascertain whether my suspicion that they had the term slightly wrong was right.

Well, of course, I found out that most people have no opinion whatsoever as to the meaning of *obiter dicta*. My respondents say they have never heard it or seen it and in any case never studied Latin, so they are unable to puzzle it out. I rather got the notion that knowing the term betrayed two very un-American aspects of one's being, namely that one was educated (and showing it off), and, worse, that one must have been educated in the days before the chief text of classroom reading was *Heather Has Two Mommies* (and hence was at least well on the way to being — shudder! — old).

Well, *mea culpa*, of course, if I may use another once widely known Latin tag that the shift to the vernacular liturgy has hastened to the verbal dustbin.

I felt as Dennis Prager should have felt (though he didn't appear to) on one of his recent radio programs when, in a discussion of American history during the Jacksonian era, a caller frequently spoke of the "Trail of Tears," and Prager had to inquire just what that expression referred to. One could tell he had been educated in the days when the Jacksonian era meant populism, while his caller went through the system in the past two decades when that same era meant oppression of a minority. In short, Dennis Prager reversed the Criticus gaffe: Prager showed his age by not knowing something rather than by knowing something that is now as remote as the precession of the equinoxes.

Well, we are all victims of our educations, if not of Andrew Jackson, so I think I can claim victimhood as grounds for snatching such fragments as I can from the past to shore against my ruin, though I think I must in all candor confess that I have smaller Latin by far than Shakespeare and no Greek at all. But one such fragment is *obiter dicta*, which means, as every schoolboy used to know, remarks, statements, utterances, made by the way (Lat. *ob iter*), that is, in passing, in other words, far from final pronouncements and closer to passing observations, even asides. Admittedly, in Criticus's case it's sometimes hard to tell the difference between an aside and a pronouncement, but that's a fault of character, not of age or education.

Therefore, here are some obiter dicta that ought to give readers, constant and otherwise, some mental candy corn to munch on as we approach both All Hallows' Eve and the off-year election, which two events are becoming increasingly indistinguishable. For ease of munching, I have titled each one. Pick and choose, if you like, but the best nourishment would be to read them all.

ELITISM

It was not entirely surprising to find that President Bubba, belatedly following the *Atlantic Monthly*, has discovered the wisdom of Dan Quayle, a.k.a in dog-Latin *familia intacta*, but it was positively dizzying to find within a single week that *Time* magazine through its lately deceased art editor and Doonesbury and gossip columnist Liz Smith have all discovered the merits of elitism, the old-fashioned kind, that is, the kind that stands for excellence, for some things being (shh!) better than other things.

In *Praise of Elitism* by William A. Henry III, which *Time*

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puffed in its back-of-the-book essay, is being hailed as a fearless defense of traditional intellectual and cultural standards, even Western ones.

As for Trudeau, in "Doonesbury" he continued his off-and-on ridicule of the deterioration of the American college by having the President of Winthrop contemplate, in the light of the appalling ignorance of his students, the possibility of transforming the wretched place into a High School, though with typical administrative unction as presented by Trudeauvian satire the president insisted it would have to be a "quality" high school.

Liz Smith, who spends most of her time saying nice things about celebrities (her column appears in the Calendar section of the *L.A. Times*), weighed in with what was billed, in *Modern Maturity* where it appeared, as a "gritty gabfest" interview in which she deplored not only political correctness but the fact that no one nowadays seems to know the most elementary cultural references, the sort that she, a 1948 journalism graduate of the University of Texas, takes for granted.

She has been queried by her editors on who Perseus is, for example, and on many other figures from Greek mythology. Smith says that editors "don't know any archaic quotes. They know nothing about the Bible. Shakespeare has no relevance to those people." (Those people, Criticus opines, are mostly English majors now let loose on the world.) Smith goes on: "I spent my whole life thinking how ignorant I was and now I'm too intellectual for my own editors."

Like Henry and Trudeau, Liz Smith makes clear that she is no right-winger, even apologizing for having gotten along so well with Nancy Reagan. What none of the above seem to realize is that it has not been conservatism that has brought about America's intellectual downfall.

On the contrary, the right has been sounding the alarm bells on all of these cultural concerns for at least a generation and still is, as witness the immediately previous issue of this journal and the animadversions of my colleague William Allen on "studentoids." Now that the horses have disappeared over the farthest hill and are in another country, the left is beginning to notice that the barn is empty. So it is. Criticus can sum it all up with the new academic giggle: American institutions of higher education have become "Young Folks Homes."

ABSOLUTELY FABULOUS

Readers of so serious a journal as this may not be watchers of Comedy Central, but Criticus recommends that you tune in now and again to the British comedy series called "Absolutely Fabulous," and known familiarly as "Ab Fab," not merely because it is hilariously funny (though that's reason enough) but because it is politically incorrect to a degree, but not by trying to be, just by being.

It has taken trendy, fashion-conscious America by storm, yet evervone who speaks or writes of it apologizes for liking a show with such improper characters.

Readers of so serious a journal as this may not be watchers of Comedy Central, but Criticus recommends that you tune in now and again to the British comedy series called "Absolutely Fabulous."

Yes, it's about the fashion business, which may be alien to the average reader; yes, it features many local allusions that escape American viewers ("I got it at discount, sweetie darling, from Harvey Nix" [*i.e.*, the Knightsbridge fashion department store "Harvey Nichols"]); yes, there are some minor characters on it who speak in accents that make the most impenetrable Alabamian sound like Sir Laurence Olivier.

But, oh, when it casts its eye on cant, it can wither. Such as the episode that has an American woman (who else?) talking a cross between New Age and psychobabble ("I feel so centered, so whole, so ready for the next stage of my ongoing relationship," or comparably inane words); or the episode in which Edina, one of the two principals, has had her house filled with modern art so preposterous that it looks genuine ("And this," says Edina, "is 'Despair Descending,'" or something similar. Patsy looks at the construction, a string of metal coathangers descending from the ceiling and says drily, "Coathangers," and Edina nods, "Yes, coathangers"); or the sendup of fashion itself ("I love these earrings, I really do. They're LaCroix. They are LaCroix, aren't they, sweetie darling?" "Yes, mother, they really are." "Then I really do love them."); or when Edina rejoices gustily when an old rival of hers who is coming to visit and will see that she has gained weight turns out to be — blind; and they all fall about laughing. And of course the two heroines smoke, drink, and, as they used to say, play around.

Best of all, one of the two, Patsy, the more disreputable one, is none other than Joanna Lumley. Constant readers will recall that a wounded Criticus walking with a stick sat in torment through a performance of "Present Laughter" in London a year and half ago under the impression that all three main actresses in the play were some how Joanna Lumley when in fact she wasn't appearing in it at all. Well here she is in full irreverence and more than making up for her absence from the play. It's already a cult show. Catch it before it becomes truly popular and they do an American version with all the guts cut out.

THE ONE PERCENT RULE

Have you heard of it? Apparently some municipalities, perhaps some states (my knowledge is all hearsay), require of corporations that various undertakings, such as a new building, set aside one-percent of the cost to support "Art." This usually results in the company's being bullied into buying some modern horror of the sort that might appear as a joke in "Ab Fab" except ten times as large

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and at hundreds of times the expense. Now we know why we see those boring non-paintings in lobbies and those rusting horrors lolling in atria or befouling artificial berms and greenswards outside corporate headquarters. How did the art establishment con them into this one?

MS.-TAKES

The clothing makers Esprit have a foundation that Ms. magazine has persuaded to subsidize a free college subscription program because *Ms.* is, in its own words, "ad free," (*cf.* "smoke free" for political correctness), so they need the support of a non-advertiser, which of course they trumpet forth in the manner of the announcements with logo-overlays you encountered in July: "This portion of the World Cup is being brought to you commercial free by ...," followed by a statement plugging the sponsor and product the logo is showing.

As a result of Esprit's ad-free support, giveaway stacks of *Ms.*, suddenly appeared in departmental offices at local universities, and Criticus availed himself of a copy. While admittedly not a constant reader of *Ms.*, Criticus is nevertheless of the view that there is probably always much in Ms. to make a grown man weep, but two items in the current one stopped even the jaded Criticus in his reading tracks.

The first was an outraged letter to the editor about a man in an unidentified firm (the writer also withheld her name) who had had the effrontery to bring a "hostile environment" sexual harassment charge on, among other grounds, that in the office he was confronted and affronted by the March-April issue of *Ms.* itself with an article by (who else?) Gloria Steinem enlivened with a cartoon showing a woman smoking a penis. Writes the complaining correspondent: "Is that a hoot or what?" Ask the firepersons who tried to suppress firehouse reading of *Playboy*. I say it's an "or what."

Several other letters in the current Esprit-sponsored ad-free *Ms.* take strong issue with an earlier article by Alice Walker, she of *The Color Purple* fame as well as a recent book on female circumcision.

Seems Ms. Walker more or less claimed that only black women were nurturing and mothering and some Ms. readers who are not black are irate, insisting that they are as nurturing as thou, or at least as Alice Walker. All that's good news, perhaps, but one of the letter-writers wrote about the matter with abundant reference to female sexual features in language that not only could not appear in this journal or in any daily newspaper or probably even in *Playboy*, but that Criticus would not utter in mixed company and would use only among the boys, as they used to say, preferably those in the military who talk that way anyhow.

In a new searching biographical-critical study Brecht has been exposed as a fraud who actually stole... something like ninety percent of the works that bear his name. (Is that literary Marxism in practice?)

Even latter-day Lenny Bruces have not been making a case for this kind of language lately. Now if there were a magazine called Mr. (Robert Bly, *N.B.*, if you'll excuse yet another Latinism), it would doubtless be banned from the firehouse for writing that is evidently the common stock of Ms. readers. Thus we have reached the point of entitled offenders against good taste. Just as only "African-Americans" may now use the N-word, only C's may use the C-word.

BREAKING BRECHT

Criticus has always hated the writings of Bertolt Brecht. His self-important "Epic Theatre," his pompous "alienation affect," his pretentious Marxism, and not least his canonization by the left for the past half-century and more have all rendered him utterly bogus.

Well, the good news is that in a new searching biographical-critical study Brecht has been exposed as a fraud who actually stole or appropriated — not plagiarized — something like ninety percent of the works that bear his name. (Is that literary Marxism in practice?)

The bad news is that he stole the writings he put his name to from various women he lived with and used (in every sense of the word), then discarded and left in penury. But then the good news about that is its instructive demonstration that these duped and abused woman (Esprit-sponsored ad-free *Ms.* where are you?) actually wrote this drivel themselves, thus proving that bad writers can be women as well as men.

Of course, these women were victims of the hegemonic, patriarchal system of — er, well, Communism. Let's let the left swing in the wind on this one.

JIMMY ON THE SPOT

Readers *d'un certain âge* (forgive the intrusion of French) will recall cartoon style ads for an insect repellent that used to appear in magazines like *Redbook* and *Cosmopolitan* back in the days before they took up counseling women on how to achieve orgasm.

In these ads a woman, somehow instantly recognizable as a housewife (perhaps she wore an apron), would be shown looking in dismay at a buzzing insect and calling out to her husband, who was rushing to the scene with a long pump-operated spray can in hand, "Quick, Henry, the Flit!"

The Flit was, of course, the product that Henry would be shown spraying at the offending mosquito, fly, etc. Criticus believes that this procedure, *mutatis mutandis*, (sorry about that) accurately describes President Bubba's foreign policy.

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Whether we can imagine First Lady Macbeth advising him to do so or not, someone or something seems to be prompting the president when confronted with a crisis with the advice, "Quick, Bubba, the Jimmy Carter!"

And presto, Carter is called away from hammering houses in South Central L.A. or the rainforest or wherever and dispatched to Korea or Haiti. Unlike the Flit, however, Jimmy then starts doing his own bidding as he struts again on the world stage. What is clearly needed is the revival of Flit but upgraded for the nineties. This time it would not merely repel flying insect pests but also flying ex-president pests. At each future crisis, the *vox populi* (there I go again) would shout, "Quick, America, the Flit!" and vainglorious politicians would be gone.

Come to think of it, that's what the polling place is for. This November may see America giving pestiferous politicos a good dose of the Flit.

G. B. Tennyson is professor of English at U.C.L.A. and co-editor of Nineteenth Century Literature..

BOOK REVIEW

Reagan Revisited

BY MATT ROBINSON

Since the defeat of George Bush in 1992, American conservatives pass much of their time doing autopsies on the failed campaign that drove them into the political wilderness. They believe that were it not for the bungling Bush campaign and its run from the right govern from the left game plan, the Reagan Revolution would be continuing apace.

Sure, George Bush lost in 1992 to the liberals' liberal, but even before that debacle he lead the nation back down the "kinder, gentler" statist path of higher taxes, larger deficits, and more invasive government programs.

The result is that today's lunchtime conversations in the "little platoons" of the conservative movement focus with messianic glee on 1996: *Stall Clinton, for God's sake, until we can return a real conservative to power.* To many conservatives all will be as it should be when a new leader emerges to bring conservative and Republican bickering to an end.

But this scenario is dead wrong according to *Dead Right* author David Frum. Life is a bit more complicated and messy than this simple blame game. *Dead Right* is a provocative, occassionally flawed, but always interesting investigation into the real crisis of the American right and the challenges ahead.

For Frum, the conservative failure to stay in power and effect more substantial change in the American cultural and political landscape began earlier than 1992. In fact, the ebbing power of conservatives began even before George Bush was inaugurated. Frum's message for conservatives is a painful one: conservatism's problems are deep and not easily solved.

The author describes *Dead Right* as "the story of how a great political movement succumbed to [the temptation to please the crowd] and the consequences of that succumbing."

The consequences of that succumbing are a pragmatic, intellectually-tainted conservatism that has been swallowed up by Washington and, worst of all, adjusts its rhetoric for the fickles taste of the masses.

The author persuades the reader that the real decline of conservatism in the political realm and its increasing fractiousness began the day conservatives abandoned their war against overweening government in favor of political expediency.

Frum traces the roots of the conservative crisis of confidence to what he calls the "failure of the Reagan gambit." The Reagan plan: if we increase revenues by cutting taxes and restrain the rate of government growth, then America can afford and gently ease itself into more manageable government. "There was no arithematic reason that the Reagan program could not have succeeded. Reagan's budgets were wrecked by the inability and unwillingness of the most conservative administration since Coolidge to resist the rise of social welfare spending."

But Reagan of all people failed to reduce government and, according to Frum, cold, flinty conservatism saw its twilight. The Reagan administration became the defender of Veterans' groups, farmers, and small businessmen. Their pork was removed from the budget cutting board and once that happened, intellectual consistency be damned, the possibility for anyone's budget in Washington, D.C. to be cut, withered.

By the end of the 1980s it was clear that social welfare spending had continued to grow and work its destructive effects. Government was expanding unchecked: illegitimacy, racial animosity, crime, and the break down of the family were only some of the problems that became increasingly visible. The utter failure of conservatives to control the welfare state which created or exacerbated so many of these problems left

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conservatives in a state of confusion. Frum writes: "The nation was going to hell. Something must be done. But what? As the Bush Administration petered out, that question would divide conservatives into three bitter and mutually contemptuous factions."

This analysis of conservativism's new direction is Frum's most valuable contribution to conservative discourse. The three factions Frum refers to are each led by its own paradigmatic leader who seeks political impact through his response to "the failure of the Reagan gambit."

The first faction, described by Frum as "the optimists," is led by Jack Kemp and they are tinkerers in the state. "The core belief of the Kemp-style optimists is that America's plush welfare programs, combined with the absence of steady, low-skilled jobs in the immediate vicinity of the urban poor, present poor people with something very much like a high marginal rate of tax if they turn from dependency to work."

Optimists are not for curtailing the welfare state. They believe the solution to social problems is by reversing the present system of incentives and disincentives and encourage people to work and marry. In other words, social problems are at root economic.

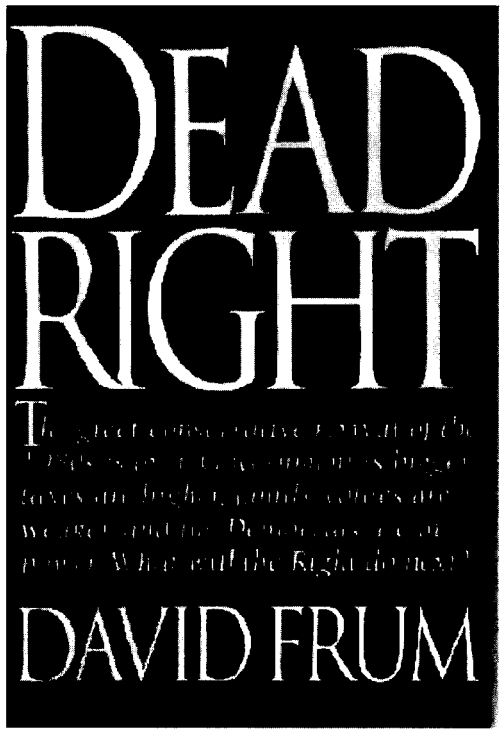
The second faction of conservatism is led by William Bennett. "Moralistic conservatives," as Frum describes them, "are ready to deploy social authority to instill bourgeois values in the black urban poor, to assimilate Third World immigrants, and, a little more diffidently, to correct the faults of the American middle class."

The moralists include such thinkers as James Q. Wilson, Irving Kristol, and most conservative opinion writers and journalists. After the failure of the Reagan gambit, these conservatives turned to culture and debate as the best ways to check American pathologies. But unfortunately, moral conservatives, like the optimists, have accepted the continued existence of the welfare state as political fact. The "moralist" answer is to call for new policies which support morality and use the vast government to mold more virtuous citizens.

Nationalist conservatives, Frum's third and final faction, are led by conservative columnist and failed presidential candidate Patrick Buchanan. "With [his America First platform, Buchanan] hoped to attract America's nationalist hard core, people who felt aggrieved and abused not so much by foreigners as by alien elements within their own country...."

Nationalist conservatives have also retreated from the reduction of government. The question for them is who is going to control it. Frum sums up nationalist conservative sentiments wittily with the mantra: "Whose country is it anyway?" The issues of burning importance to nationalist conservatives are immigration and the multiculturalism which are tearing up the American social fabric.

These three categories and the chapters associated with them are not without their problems. Frum has correctly identified the differing temperments and intellectual provenance that drive each faction. But at times Frum overgeneralizes. For instance, he fails to note the moralist efforts to return to federalism which is in itself a reduction of government. *Dead Right*'s most noticeble defect is that Frum's analysis of the failure of the Reagan gambit suffers from strident intellectual puritanism.



***Dead Right* by David Frum**

New Republic/Basic Books, 1994

$23.00

If the actual accomplishments of conservatives are compared to their anti-government rhetoric before Ronald Reagan entered the Oval Office, conservatism must be declared a failure. It is not pandering to the crowds to recognize that the political system, as byzantine and slothful as it is, makes change in a conservative direction extremely difficult. Frum cannot be faulted for his perspicacity in the realm of ideas, but passing budgets in Washington, D.C. has its own rules which Frum does not fully appreciate.

Conservative fecklessness to principles has indeed been a factor in the confusion plaguing the Right, but it was not the sole reason for the failure of the Reagan gambit as he maintains.

One particular sentence however rings truer than any other in helping to right the conservative ship. During the 1980s Frum reflects,"We [conservatives] learned to limit our own specualtions to the balance of political forces that particular moment declared feasible; we wrote articles as if thet were memoranda to the president, banning the not immediately practical from our discourse."

In other words, conservative political success attenuated the intellectual imagination and bravery which propelled conservatism from its inception. Frum is correct that conservatism is a hard and prinicipled. And this is what makes *Dead Right* so refreshing. Frum's simple solution may strike many as simplistic.

"[C]onservative intellectuals should learn to care a little less about the electoral prospects of the Republican Party, indulge in a little less policy cleverness and ethnic demagoguery, and do what intellectuals of all descriptions are obliged to do: practice honesty, and pay the price."

With such a perscription, conservatives would soon rekindle the fires.

Matt Robinson is director of the Local Media Project for the California Public Policy Foundation.

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POP CULTURE

Pop Culture Torture

BY T.R. O'NEILL-LOPEZ

Okay, if you insist, go ahead and toss your T.V. set(s) and radios, burn your membership in the "Tape of the Month" club, and swear off ever stumbling into a movie theater again as long as you live. As entertainment, it must be admitted, that which appears before us optimistically labeled "popular culture" almost universally fails to deliver. Actually, of course, it most often leads to impaired digestion.

But wait. Perhaps this peculiar product has other uses, other saving possibilities that make it worth salvaging, like NASA technology that can still help us drive away rats or open tuna cans or protect aluminum siding even if talk of manned space stations or going to Mars has faded to a whisper. Consider, for a moment, pop culture's potential as a deterrent to Crime.

Certainly this is an area the public wants intensely to be addressed. The passage of Clinton's hilarious "Crime Bill," complete with dance lessons and midnight basketball, shows the depths of concern average Americans have come to feel about the possibility of being attacked — concern so deep they are willing to buy anything, apparently, that comes to them marked "anti-crime."

In the nation's capital, the voters have gone so far as to re-elect Marion Barry mayor just to get him off the streets (or, as Mr. Leno cracked, to give him a chance to "put the Colombia back in the District of Columbia.") Under the circumstances, perhaps it is not too far-fetched to consider employing today's pop culture as something it seems eminently suited to be: punishment. Surely it is bone-marrow-freezing stuff fit to make even the most granitically-hardened thugs think twice before perpetrating their next nefarious act.

An example would start things off impressively. Take Aldrich H. Ames, surely one of criminal history's most loathsome excretions. Ames, while with the CIA and with help from his criminal wife, betrayed at least 10 American agents to their deaths in exchange for a $1 million, a bigger house, and assorted toys procured for him by Soviet Communists. One supposes that the man should be interrogated until there's no information left, then shot. But is even such a fate as that not perhaps too soft for such exceptionally evil a piece of sub-vermin?

What if, instead, Ames and his wife were sentenced to five years in a small cell, a few amenities thrown in, and then, twenty-four hours a day, at normal (high) volume, the Oakridge Boys' singing "Elvira" were piped into the place? Periodic medical checks for brain damage would have to be made of course. Once a year, say, someone would stop the "music" to ask, "okay, now you wanna talk?" As word of this terror spread, anti-American counter-intelligence thuggery would certainly become all but unknown.

I don't mean to single out the poor (actually not so poor) Oakridge Boys. At least as spectacular results could be achieved using 24-hour doses of MTV, or "Barney," or even "Sesame Street." Roseanne Barre? It might, of course, be possible to go too far, even with Ames.

National Public Radio recently conducted another of its "pledge week" fundraising campaigns. Some samples: "For pledges of $60 we are giving away NPR licenseplate frames. You know, these are just great and I have seen them all over town. There's also an NPR T-shirt. It's 100-percent cotton, extra large, and great for jogging or just walking around the neighborhood. Your neighbors will all see it and know what kind of sophisticated programs you like to listen to."

Phones can be heard ringing in the background. My cynical inner self is convinced that these are tapes played to give the illusion of instantaneous mass response. No doubt I am too jaded. In any event, the breathless pitchpersons, ever enthusiastic, never mention that your "pledge" (and, of course, also your tax) dollars are going to support a broadcasting system one of whose national "reporters," Nina Totenberg, did her best to smear U.S. Supreme Court Justice Clarence Thomas with unproven charges of the grossest variety, or that it has included among its Central America correspondents Christic Institute wacko Tony Avirgan (a comparable arrangement would be hiring Aldrich H. Ames for unbiased reporting on the CIA's counter-spook scandal), or that it once featured as an esteemed commentator the late I.F. Stone, an antedeluvian lefty who took money from the KGB and charged that the South started the Korean war. They never mention their own generous salaries and government benefits packages either. Instead they say:

"The kind of quality programming you've been listening to costs real money. What we want is for you to just call us. We will accept any donation that you are comfortable with. Our target is $150,000. For a $100 pledge we have NPR coffee mugs and canvas tote bags that will be ideal for taking your favorite best-sellers to the beach. Then there is our Producer's Club, for those who really want to make a contribution to the community." All this is somehow enunciated in tones strikingly like those of an elementary school teachers explaining personal hygiene to a group of third-graders.

On second thought, forget the Oakridge Boys, MTV, even Roseanne. To stamp out crime, pipe in NPR.

T.R. O'Neill-Lopez is California Political Review's *roving correspondent on the popular culture and the vulgarity of the crowds.*

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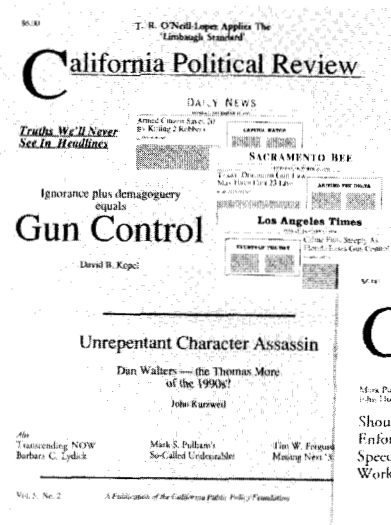
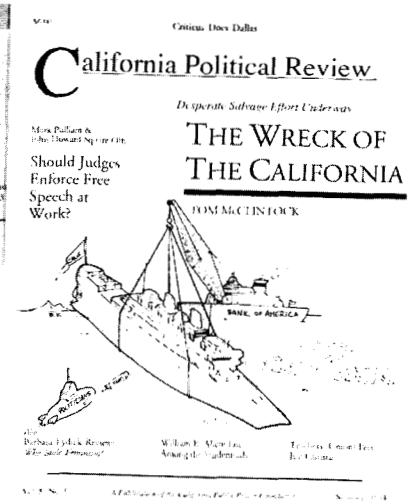
An Opening for Common Sense

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Should Judges Enforce Free Speech at Work?
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